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**DRAWING(S):**

The drawings in the application are accepted. A voluntary amendment is made to drawing sheet 11/11 for a minor editorial correction. The attached drawing sheet 11/11 includes the correction made to Fig. 11 and replaces the original drawing sheet 11/11. The attached red-marked drawing sheet 11/11 indicates in red the correction made to Fig. 11.

**REMARKS – General**

The applicant has made a voluntary amendment to the specification for minor editorial corrections.

The applicant has made a voluntary amendment to a drawing sheet as indicated for a minor editorial correction to Fig. 11.

The applicant has currently amended claims 11 to 20 to define the claims more distinctly and to overcome the technical objections and rejections.

The applicant has canceled claims 21 to 23 and added 15 new claims. The new claims 24 to 38 contain no new matter, and the recited elements are derived from the applicant's specification.

The above currently amended claims and new claims are submitted to be patentable over the art of record for the following reasons.

**Re:  O.A. "Response to Arguments" on Claims 1-10**

The O.A. states at #1: "Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection."

The applicant thanks the Examiner for the new ground(s) of rejection, and respectfully points out that claims 1-10 have been canceled in Amendment A.

**The Rejection of Claim 17 Under § 112 Overcome**

The O.A. states at #3: "Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Judiciously" is vague and indefinite."

The applicant agrees with the Examiner. Claim 17 recites "The method of Claim 11 wherein said dictionary elements are to be used judiciously."

Claim 17 is currently amended in the following ways with the accompanying reasons:

**1.** The "wherein" is deleted before "said dictionary" and replaced with "further including" to make 17 clear, precise and logical under § 112, second paragraph because additional parts are added.

**2.** The "elements are to be used judiciously" is deleted at the end after "dictionary" and replaced with "element is presented with respect to the age of the intended audience" to make claim 17 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

Thus currently amended claim 17 now recites:

"The method of Claim 11 ~~wherein~~ further including said dictionary ~~elements are to be used judiciously~~ element is presented with respect to the intended audience."

**The applicant submits that claim 17** is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable. No new matter has been added and the added subject matter is supported in the applicant's specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended claim 17 under 35 U.S.C. § 112.

**The Rejection of Claims 11-18,21,22, and 24 on Martinez et al.**

**Overcome Under § 102**

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573).

In regard to claims 11-18,21,22, and 24, Martinez et al. show a method with a means for conveniently providing dictionary elements and other relevant elements of a word or phrase for computer users, comprising: (a) using a computer (Fig. 1, item 110), (b) utilizing a text displayed on a computer screen (Fig. 2, item 210), (c) having a cursor present on said computer screen (Fig. 2, item 210), whereby the dictionary elements for said word or phrase are presented in pop up digital spaces when said cursor is placed over said word or phrase in said text (Fig. 4), wherein said dictionary elements includes a definition presented in said pop up digital spaces (col. 1, ln 15-30, Fig. 4, item 710, claim 3), wherein said pop up digital spaces presents various images that includes digital video when said cursor is placed over said word or phrase in said text (claim 4), wherein said pop up digital spaces are menu driven and utilize the drag and selection methods of said cursor to select various choices in the menus (menu usage, col. 1, ln 40-55), wherein the dictionary elements that present more than one meaning of said word or phrase, the intended contextual meaning of said word or phrase can be highlighted or otherwise distinguished (Fig. 8, item 810), further including said dictionary elements presented in said pop up digital spaces are from a sources that includes published works (thesaurus and dictionary, claims 2 and 3), wherein said dictionary elements are to be used judiciously (Fig. 5), wherein said pop up digital spaces can present a plurality of said pop up digital spaces (Fig. 13), further including various images presented in said pop up digital spaces that are from a sources that

includes professional works (claims 2-4), further including a computer machine that evolved to present said dictionary elements for said word or phrase in said pop up digital spaces (Fig. 13), wherein said cursor includes a mouse click selection method or touchscreen selection method (col. 5, ln 30-35)."

## A Review of Applicant's Application:

The applicant provides at least one pop-up space containing a dictionary element for a word in a text in a fast and convenient manner. The pop-up space appears when a computer cursor is placed over the word. The dictionary element includes and is not limited to definitions, synonyms, antonyms, pronunciations, usages, and quotations. An image can be presented such as photographs, drawings, illustrations, films, videos, and animations. Such multimedia is intended to help users to better understand a word or a phrase.

## A Review of the Reference of Martinez et al.:

Martinez et al. (hereinafter Martinez) provides a mechanism, called a recursive search process, for thoroughly searching a target item in a database, and displaying the similar item(s) for a user to select and replace the target item.

On a main application the recursive search process begins at a cursor's position and a target item is identified. A database is searched for **items similar** to the target item. An indicator near the target item shows the existence of the similar items. A user may click for access or display of the similar items in a pop-up window near the target item. In response to a replacement command, a user may click on a similar item to insert and replace the target item in the main application. The mechanism minimizes the diversion of a user's attention away from the main application.

The main application may be a word processor, text editor, drawing software, drafting software, purchasing software, or some other application. Any one of the similar items as well as items in the main application and items displayed in the pop-up window may then become a target item. The invention applies to annotations, to a lookup function, to an image, to writing data, and to placing an order to buy an item.

## The Rejection of Independent Claim 11 on Martinez

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding applicant's claim 11, "Martinez et al. show a method with a means for conveniently providing dictionary elements and other relevant elements of a word or phrase for computer users, comprising: (a) using a computer (Fig. 1, item 110), (b) utilizing a text displayed on a computer screen (Fig. 2, item 210), (c) having a cursor present on said computer screen (Fig. 2, item 210), whereby the dictionary elements for said word or phrase are presented in pop up digital spaces when said cursor is placed over said word or phrase in said text (Fig. 4),".

**The Independent Claim 11 is Currently Amended Under § 112**

Claim 11 is in currently amended status, which recites:

"A method with a means for ~~conveniently~~ providing dictionary elements ~~and other relevant elements~~ of a word ~~or phrase~~ for computer users, comprising:

    (a) using a computer,

    (b) utilizing a text displayed on a computer screen,

    (c) having a cursor present on said computer screen,

    ~~whereby the~~ (d)  providing a dictionary ~~elements~~ element for a word ~~or phrase are~~ presented in a pop up digital ~~spaces~~ space when said cursor is placed over said word ~~or phrase~~ in said text[.]_,_

whereby said dictionary element is presented conveniently."

Claim 11 is currently amended in the following ways with the accompanying reasons:

**1.** The "conveniently" in the preamble is deleted before "providing" to make claim 11 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**2.** The "and other relevant elements" in the preamble is deleted before "of a word" to make claim 11 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**3.** The "or phrase" in the preamble is deleted before "for computer" to make claim 11 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

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**4.** The "whereby the" in the former whereby clause is deleted before "dictionary" and replaced with "(d)  providing a" to make claim 11 clear, precise and logical under § 112, second paragraph.

**5.** The "elements" in the former whereby clause is deleted before "for a word" and replaced with "element" to make claim 11 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**6.** The "or phrase are" in the former whereby clause is deleted before "presented in pop up" to make claim 11 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**7.** The article "a" in the former whereby clause is deleted before "pop up digital" to make claim 11 clear, precise and logical under § 112, second paragraph.

**8.** The "spaces" in the former whereby clause is deleted before "when said cursor" and replaced with "space" to make claim 11 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**9.** The "or phrase" in the former whereby clause is deleted before "in said text" to make claim 11 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**10.** The period "." at the end of the former whereby clause is deleted and replaced with a comma "," to make claim 11 clear and precise under § 112, second paragraph.

**11.** The "whereby said dictionary element is presented conveniently." is added at the end of claim 11 to make the claim clear and logical under § 112, second paragraph.

**The applicant submits that claim 11** is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable.  No new matter has been added and the added subject matter is supported in the applicant's specification.  The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended independent claim 11 under 35 U.S.C. § 112.

**The Rejection of Independent Claim 11 on Martinez Overcome**
**Under § 102**

Independent claim 11 recites in clean copy form:

"A method with a means for providing dictionary element of a word for computer

users, comprising:

(a) using a computer,

(b) utilizing a text displayed on a computer screen,

(c) having a cursor present on said computer screen,

(d) providing a dictionary element for a word in a pop up digital space when said cursor

is placed over said word in said text,

whereby said dictionary element is presented conveniently."

The applicant respectfully disagrees that Martinez at (Fig. 1, item 110, Fig. 2, item 210, Fig. 4) describes claim 11 for the following reason:

**1.** As mentioned the O.A. states "In regard to claims 11…Martinez et al. show a method with a means for conveniently providing dictionary element and other relevant elements of a word for computer users, comprising: (a) using a computer (Fig. 1, item 110), (b) utilizing a text displayed on a computer screen (Fig. 2, item 210), (c) having a cursor present on said computer screen (Fig. 2, item 210), whereby the dictionary element for said word are presented in pop up digital spaces when said cursor is placed over said word in said text (Fig. 4),".

The applicant respectfully points out that the stated (Fig. 2, item 210) is written twice, each applied to the different steps of (a) and (b) in claim 11.

Martinez shows in his (Fig. 1, item 110), a "processor".

Martinez shows in his (Fig. 2, item 210), a "print".

Martinez shows in his (Fig. 4), a "similar items" 430, and a "target item" 410 of "print".

Claim 11 is novel over Martinez and his (Fig. 1, item 110), (Fig. 2, item 210), and (Fig. 4) because the claim recites "(a) using a computer, (b) utilizing a text displayed on a computer screen, (c) having a cursor present on said computer screen, (d) providing a dictionary element for a word in a pop up digital space when said cursor is placed over said word in said text,".

Thus claim 11 and it's **"dictionary element for a word"** are novel physical features over Martinez and his **"similar items"** to a **"target item"**

**Therefore** claim 11 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**The Additional Novel Reasons of Claim 11 Over Martinez Under § 102:** Claim 11 recites additional novel reasons that distinguish over Martinez for the following additional reasons:

**2.** Claim 11 recites "(d) providing a dictionary element for a word".

Martinez describes at (col. 4, In 27-29), "The invention searches a database for **items similar to the target item,** and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 11 and its **"dictionary element for a word"** is novel over Martinez and his **"items similar to the target item".**

Thus claim 11 recites novel physical features that distinguish over Martinez.

**3.** Claim 11 recites "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text."

Martinez describes at (col. 4, In 22-33), "Cursor 220 is positioned at the word "print," 210, in a line of text. This represents a line of text displayed by a main application such as a word processor or text editor. Responsive to the **cursor** 220's position, the invention identifies the word "print," 210, as a target item. The invention searches a database for items similar to the target item, and provides **an indicator,** 230, near word 210's position, to show the existence of similar items in said database. In this example, **indicator** 230 displays a number (15), showing how many of said similar items exist in said database. In this example, **indicator** 230 appears as a superscript number superimposed over a small translucent book icon."

Claim 11 and its **"a dictionary element** for a word presented in a pop up digital space when **said cursor** is placed over said word"** is a novel action over Martinez and his **"cursor's position"** that "provides **an indicator".**

Thus claim 11 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 11 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Claim 11 Produces New and Unexpected Results and Hence**

**Is Unobvious and Patentable Over Martinez Under § 103**

The applicant submits that the novel physical features of claim 11 are also unobvious and hence patentable under § 103 since they produce new and unexpected results over Martinez, or any combination thereof.

Independent claim 11 recites:

"A method with a means for providing dictionary element of a word for computer
  users, comprising:

    (a) using a computer,

    (b) utilizing a text displayed on a computer screen,

    (c) having a cursor present on said computer screen,

    (d) providing a dictionary element for a word in a pop up digital space when said cursor
        is placed over said word in said text,

  whereby said dictionary element is presented conveniently."

The new and unexpected results that flow from the novel physical features of claim 11 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 11 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 11 is simpler than Martinez without loss of capability. Claim 11 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Speed:** Claim 11 is able to do a job faster than Martinez because the claim recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Claim 11 requires the fast step of merely placing a cursor over a word to present a dictionary element. Claim 11 is a benefit because its speed advantage is important in digital innovations.

The speed result of claim 11 is very different than Martinez because he teaches at (col. 5, In 44-58), "FIG. 8 illustrates one possible user interface display involving an example of the invention's selection process. In this example, the item at 810 ("certified copy") **is selected** (shown by cursor 520 pointing at item 810). Responsive to **a command for replacement** (the notation "click," 310) the invention replaces a first item (the word "print" at 410) with an item from the database, "certified copy" at 810. The notation "click," 310, signifies a user sending a command, by clicking a mouse button, or touching a touch-sensitive screen with a stylus, or using some other input device. On the other hand, a user could decide not to select any of the similar items at 710, but rather **utilize button** 450 as a way to exit the pop-up display."

Thus Martinez's at least 2 user selections make his invention much slower than claim 11. The speed of claim 11 is demonstrated in working models in which merely placing a cursor over a word is all that is required.

**3. Ease of Use:** Claim 11 is easier to use and learn than Martinez because the claim recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Claim 11 shows an ease of use because it requires simply placing a cursor over a word to present a dictionary element. This ease of use advantage is especially important for a digital innovation like claim 11 because it enables a computer user to use the computer more facilely, and this counts a great deal.

The ease of use result of claim 11 is very different than Martinez because his invention is significantly harder to use and learn. Martinez, for example, requires at least 2 user selections and numerous parts, steps and functions to use and learn. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements:". The ease of use of claim 11 is demonstrated in working models in which simply placing a cursor over a word is all that is required to present a dictionary element.

**4. Novelty:** Claim 11 has novelty results over Martinez because the claim recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty result of claim 11 is very different than Martinez and all previously known counterparts as of the applicant's filing date. Claim 11 and it's "**a dictionary element** for a word" is novel over Martinez and his "**items similar** to the target item".

In addition claim 11 and its cursor result of "**a dictionary element for a word presented** in a pop up digital space **when said cursor** is placed over said word" is a novel over Martinez and his cursor result of "**cursor's position**" that "provides **an indicator**". Hence claim 11 has novelty results over Martinez.

**5. Convenience/Mechanization:** Claim 11 makes living easier and more convenient because the claim recites: "(d)  providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Claim 11 is more convenient than Martinez because the claim simply requires the single computerized step of placing a cursor over a word to present the dictionary element.

Instead Martinez's at least 2 user selections make his invention much less convenient than claim 11. In addition Martinez requires numerous parts, steps and functions that take much more time to use that is not convenient. The numerous element of Martinez are discussed in the above subheading "1. Omission of Elements: ". Hence the convenience and mechanization result of claim 11 is very different than Martinez.

**6. Social Benefit:** Claim 11 provides a greater social benefit than Martinez because education is important. Claim 11 and it's "**a dictionary element** for a word" has more educational value than Martinez and his less substantially useful "**items similar** to the target item".

Martinez does **not** teach the educational value of claim 11 because his invention assumes a user already understands the "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the social benefit result of claim 11 is very different than Martinez.

**7. Salability:** Claim 11 is easier to sell and market than Martinez because the claim recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is

placed over said word in said text,". The salability of claim 11 is evident because, as of this amendment's date, products and services using the claim are already selling on the market. The companies using claim 11 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment.

The salability result of claim 11 is very different than Martinez. This is because claim 11 and it's "**a dictionary element** for a word" has more educational value than Martinez and his substantially less useful "**items similar** to the target item". In addition the "**a dictionary element** for a word" of claim 11 is common and popular to the everyday needs of people. In fact Martinez does **not** teach an educational result at all.

**8. Precision:** Claim 11 provides greater precision than Martinez. Claim 11 and it's "**a dictionary element** for a word" has substantially more precise information than Martinez and his imprecise "**items similar** to the target item". Thus the precision result of claim 11 is very different than Martinez.

**9. Potential Competition:** Claim 11 recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Claim 11 is demonstrated in working models that were so simple and easy to produce, that it took about 2 hours, with standard software and a laptop computer. Since claim 11 is so simple and popular that, as a result many imitators and copiers are likely to attempt to copy it, and design around it, and try to break the patent as soon as it is brought out.

The potential competition result of claim 11 is very different than Martinez because his invention has the substantially less useful "**items similar** to the target item". Also Martinez is substantially harder to produce with his lookup functions, recursive search processes, recursive annotation functions, and recursive pop-up display functions. As a result Martinez is not likely to be imitated or copied by potential competition.

**10. Quality:** Claim 11 provides a higher quality result than Martinez because the claim recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Claim 11 and it's "**a dictionary element** for a

word" have substantially higher quality than Martinez and his imprecise "**items similar** to the target item". Thus the quality result of claim 11 is very different than Martinez.

**11. Obviation of a Specific Disadvantage of an Existing Invention:** Claim 11 recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,".

Martinez teaches at (col. 4, In 26-29), "The invention **searches a database for items similar** to the target item, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database. "

Martinez teaches at (col. 4, In 53-59), "Any one of the similar items at 430 may become a target item for the invention's **recursive search process.**"

Martinez teaches at (col. 5, In 63-67), "FIGS. 2-9 show how the invention allows a user to **thoroughly search** a database for items to utilize in a main application, while minimizing the diversion of a user's attention away from the main application."

Thus Martinez requires the specific function of searching a database, especially in his recursive search process to "**thoroughly search** a database", and this is a specific disadvantage.

Claim11 is recited in broad terms so as not to be limited to searching a database, as Martinez teaches. As a result claim 11 has greater flexibility to present it's "a dictionary element", and this is an important advantage. Hence the flexibility advantage of claim 11 overcomes the specific disadvantage of Martinez. Claim 11 is demonstrated in working models that presents its dictionary element without a database.

**12. Long Life Cycle:** Claim 11 has a potentially long life cycle that can be made and sold for many years because its dictionary elements are passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising "**items similar** to the target item". Thus the long life cycle result of claim 11 is very different than Martinez.

**13. Satisfies Existing Need:** Claim 11 recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,".

Claim 11 will satisfy an existing, recognized need because it produces "**a dictionary element** for a word" in a fast, convenient, and unique method. The looking up of words in a dictionary, even

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with prior art computer dictionaries, remains a relatively time consuming, inconvenient, and boring task. Claim 11 and its dictionary element presented in a pop up digital space appear virtually instantaneously when a cursor is placed over a word.

The existing need result of claim 11 is very different than Martinez because he instead provides the substantially less useful "**items similar** to the target item".

**14. Development:** Claim 11 recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Claim 11 per se is already designed for the market because its lean structure for providing a dictionary element will not require significant development. The development of claim 11 is demonstrated in working models that took about 2 hours to produce. The models were produced using standard low cost software, a laptop computer, and a few techniques.

The development result of claim 11 is very different than Martinez because his more complex invention requires numerous parts and steps to develop. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez requires significantly more development than claim 11 such as additional programming and appearance work.

**15. Inertia Need Not Be Overcome:** Claim 11 recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Potential manufacturers, users, and sellers of claim 11 will not manifest inertia because, as of this amendment's date, products and services using the claim are already selling on the market. The companies using claim 11 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment. The inertia result of claim 11 is very different than Martinez because his "**items similar** to the target item" is substantially less useful and likely must overcome significant inertia

**16. Minimal Learning Required:** People will have to undergo minimal or no learning in order to use claim 11 because the claim recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Simply placing a cursor over a word of claim 11 is a strong advantage because it requires minimal or no learning to get the claim's dictionary element. Martinez requires learning the

intricacies of the lookup functions, recursive search processes, recursive annotation functions, and recursive pop-up display functions.

In addition Martinez requires numerous parts, steps and functions that take significantly more learning to use. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". The minimal learning of claim 11 is demonstrated in working models in which simply placing a cursor over a word is all that is required. A user of Martinez will need significantly more learning than claim 11. Thus the minimal or no learning result of claim 11 is very different than Martinez.

**17. Easy to Promote:** Claim 11 recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Claim 11 solves the omnipresent problem of the slow, time consuming, and often boring task of looking up words in a dictionary, even in prior art computer dictionaries such as the cited reference of Bartleby.com.

In addition claim 11 per se and its fast method and high visibility makes it cheap and easy to market, and this is a clear advantage. The easy to promote results of claim 11 are very different than Martinez. Martinez's **"items similar** to the target item" is substantially less useful than **"a dictionary element** for a word" of claim 11. Thus Martinez is likely harder to promote than claim 11.

**18. Presence of Market:** Claim 11 recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Claim 11 has a market that already exists because computers are ubiquitous and popular machines and its dictionary element have an everyday usefulness. The presence of market of claim 11 is evident because, as of this amendment's date, products and services using the claim are already selling on the market. The companies using claim 11 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment. The presence of market result of claim 11 is very different than Martinez because his **"items similar** to the target item" is substantially less useful. Thus Martinez's presence of market is likely substantially less than claim 11.

**19. Combination Product:** Claim 11 is a combination product because its "dictionary element" and "a pop up digital space" groove well together. The combination product result of claim 11 is very different than Martinez because he instead provides the substantially less useful "**items similar** to the target item" in pop-up windows.

**20. Prototype Availability:** Claim 11 has prototypes available and demonstrated in working models. The prototypes of claim 11 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**21. Broad Patent Coverage Available:** Claim 11 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 11 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 11 performs the unique functions of "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Claim 11 is very different than Martinez's broad patent coverage because he instead provides the unique "**items similar** to the target item".

**22. High Sales Anticipated:** Claim 11 per se can anticipate a high sales volume because its method of providing a dictionary element is very useful, convenient, relatively cheap to produce, and easy to market. The high sales anticipated of claim 11 is evident because, as of this amendment's date, products and services using the claim are already selling in high volumes. The companies using claim 11 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales volumes from the same company are attached with the Rule 132 declaration that is submitted with this amendment. The high sales result of claim 11 is very different than Martinez because his "**items similar** to the target item" is substantially less useful, less convenient, and is therefore harder to market. Thus Martinez's invention likely does not have a high sales anticipated result.

**23. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 11 will appeal to young people because computers are popular with this market. Claim 11 is very useful for young people to learn about a word. Claim 11 provides "**a dictionary element** for said word" in a fast and convenient method that helps the learning experience. Claim 11 is important for the

purposes of education. Claim 11 is valuable because higher education is often a priority of young people. Claim 11 may command more sales of the youth market than the substantially less useful "**items similar** to the target item" of Martinez. Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 11 is very different than Martinez.

**24. Unexpected Results:** The results achieved by claim 11 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because its dictionary element presented in a pop up digital space by simply placing a cursor over a word, did not exist as of the applicant's filing date. Martinez does **not** teach the unexpected results of claim 11.

**25. Crowded Art:** The method of claim 11 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 11 provides the small step forward of presenting a dictionary element in a pop up digital space when a cursor is simply placed over a word. This is a small step forward from Martinez. Martinez provides the very different small step forward of displaying the substantially less useful "**items similar** to the target item" in the crowded art of computers.

**26. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 11. Claim 11 recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,".

The O.A. states regarding claim 11, "In regard to claims 11-18,21,22, and 24, Martinez et al. show a method with a means for conveniently providing dictionary elements and other relevant elements of a word or phrase for computer users, comprising: (a) using a computer (Fig. 1, item 110), (b) utilizing a text displayed on a computer screen (Fig. 2, item 210), (c) having a cursor present on said computer screen (Fig. 2, item 210), whereby the dictionary elements for said word or phrase are presented in pop up digital spaces when said cursor is placed over said word or phrase in said text (Fig. 4),".

The applicant respectfully points out that the stated (Fig. 2, item 210) is written twice, each with the different steps of (a) and (b) in claim 11.

Martinez in his (Fig. 1, item 110), (Fig. 2, item 210), and (Fig. 4), does not show claim 11 and it's "**a dictionary element** for a word or phrase".

Instead Martinez shows in these figures a processor, the word "print", and the **items similar** to the target item of "print" 410. Thus claim 11 is very different than Martinez. Hence Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 11.

**27. Unappreciated Advantage:** Martinez and those skilled in the art never appreciated the advantages of claim 11 because the advantages did not exist as of the applicant's filing date, although it is inherent. Claim 11 provides the advantages of presenting a dictionary element in a unique method that is fast, convenient and educational. Martinez does **not** teach an educational advantage at all.

**28. Poor Reference:** Martinez is a poor reference of claim 11. This is because Martinez and his "**items similar** to the target item" are foreign and conflicting to claim 11 and it's "**a dictionary element** for a word". Thus Martinez is foreign and conflicts with claim 11, and therefore is a weak reference and should be construed narrowly.

**29. Lack of Implementation:** Claim 11 recites: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,".
If claim 11 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented the claim as of the applicant's filing date. Claim 11 provides dictionary element in a method that is fast, convenient and educational. The fact that Martinez and those skilled in the art have not implemented claim 11, despite its great advantages, indicates that it is not obvious.

**30. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. Martinez does **not** teach the method in claim 11 of: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Instead Martinez teaches displaying the very different and substantially less useful "**items similar** to the target item".

**31. Solution of Long-Felt and Unsolved Need:** Claim 11 solves a long felt, long existing, but unsolved need. Claim 11 presents "**a dictionary element** for a word" in a faster and more convenient method than the prior art. The long existing need claim 11 addresses was not previously solved in such a unique and effective method. Martinez does **not** teach a solution to

the need solved by claim 11. Instead Martinez solves the very different need of providing the very different and substantially less useful "**items similar** to the target item".

**32. Contrarian Invention:** Claim 11 is contrary to the teachings of Martinez. Claim 11 and it's "**a dictionary element** for a word" go against the grain of what Martinez teaches with his "**items similar** to the target item". Thus the contrarian result of claim 11 is very different than Martinez and his substantially less useful result.

**33. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez that could be made only in hindsight. Martinez clearly does **not** teach the results in claim 11 of: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". Instead Martinez teaches providing the very different and substantially less useful "**items similar** to the target item".

**34. New Principle of Operation:** Claim 11 utilizes a new principle of operation. The new principle of operation of claim 11 is not shown by Martinez and the prior art as of the applicant's filing date. Claim 11 utilizes a new principle of operation in: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,". The applicant has blazed a trail, rather than followed one.

**35. Solved Different Problem:** Claim 11 solves a different problem than Martinez, and such different problem is recited in the claim of: "(d) providing a dictionary element for a word presented in a pop up digital space when said cursor is placed over said word in said text,".

Claim 11 solves an educational problem by presenting a dictionary element in a fast and convenient method. Instead Martinez solves the very different problem of providing the substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach solving an educational problem at all.

**36. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 11 as a whole, including its differences over Martinez, would have been obvious. Martinez clearly does **not** teach the new, unexpected results in claim 11 of: "(d) providing a dictionary element for a word presented in a pop up digital space when said

cursor is placed over said word in said text,".  Instead Martinez teaches providing the very different and substantially less useful "**items similar** to the target item".

**From the reasons discussed**, the applicant submits that independent claim 11 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103.

Accordingly, the applicant submits that independent claim 11 is allowable over Martinez and solicits reconsideration and allowance.

### The Rejection of Claim 12 on Martinez

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding applicant's claim 12, "Martinez et al. show a method…wherein said dictionary elements includes a definition presented in said pop up digital spaces (col. 1, In 15-30, Fig. 4, item 710, claim 3),".

**A Review of the Reference of Martinez:**  Martinez provides a recursive search process and a recursive annotation function to search a database for "items similar to the target item".  The "items similar" may be selected to insert, or replace the target item, in the main application.

### The Dependent Claim 12 is Currently Amended Under § 112

Claim 12 is in currently amended status, which recites:

"The method of Claim 11 ~~wherein~~ further including said dictionary ~~elements~~ element includes a definition presented in said pop up digital ~~spaces~~ space."

Claim 12 is currently amended in the following ways with the accompanying reasons:

**1.** The "wherein" is deleted before "said dictionary" and replaced with "further including" to make 12 clear, precise and logical under § 112, second paragraph because additional parts are added.

**2.** The "elements" is deleted before "includes a" and replaced with "element" to make claim 12 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**3.** The "spaces" is deleted at the end and replaced with "space" to make claim 12 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**The applicant submits that claim 12** is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable. No new matter has been added and the added subject matter is supported in the applicant's specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended dependent claim 12 under 35 U.S.C. § 112.

### The Rejection of Claim 12 on Martinez Overcome Under § 102

Claim 12 recites in clean copy form: "The method of Claim 11 further including said dictionary element includes a definition presented in said pop up digital space."

The reasons that claim 12 is novel over Martinez include those from referred independent claim 11 as discussed in the above heading of "The Rejection of Independent Claim 11 on Martinez Overcome Under § 102".

The applicant respectfully disagrees that Martinez at (col. 1, In 15-30, Fig. 4, item 710, claim 3) describes claim 12 for the following reasons:

**1.** The O.A. states, regarding Martinez at (col. 1, In 15-30...), "Examples include U.S. Pat. No. 6,209,006 **(Medl, et al.,** Mar. 27, 2001), which relates to the use of hyperlinks that enable recall of help functions. "Elements of a user interface for an application program are predefined as help functions by the programmer or developer . . . . Upon selection of a highlighted hyperlinked element, a help window appears providing definitions, functional instructions, etc."

**a)** Claim 12 and its "**dictionary element includes a definition** presented in said **pop up digital space**" is novel over Medl et al. (hereinafter Medl) and his "**Elements** of a user interface" and which, "Upon selection of a highlighted hyperlinked **element, a help window** appears providing **definitions, functional instructions, etc."**

**b)** Claim 12 and its "**dictionary element** includes a definition **presented** in said pop up digital space" is a novel action over Medl and his "**Elements** of a user interface for an application program are predefined as **help functions**".

**Therefore** claim 12 recites novel physical features that distinguish over Martinez and his cited reference of Medl, from the aforementioned O.A. statement.

**2.** The O.A. states, regarding Martinez at (col. 1, In 15-30...), "Another example is U.S. Pat. No. 6,233,571 (**Egger, et al.**, May 15, 2001), which relates to computerized research tools for locating legal opinions, patents and related documents, and how relationships among such documents may be detected and displayed."

Claim 12 and its "said dictionary element includes **a definition** presented in said pop up digital space" is novel over Egger et al. (hereinafter Egger) and his "A preferred **definition** of F.sub.N is as follows: where D.sub.N is a damping factor that decreases rapidly as N increases."

**Therefore** claim 12 recites novel physical features that distinguish over Martinez and his cited reference of Egger, from the aforementioned O.A. statement.

**3.** The O.A. states, regarding Martinez at (col. 1, In 15-30...), "Another example is U.S. Pat. No. 5,649,221 (**Crawford, et al.**, Jul. 15, 1997), which discloses a "reverse electronic dictionary;" the user enters one or more search words which are thought to exist in the definition of the word that is sought."

**a)** Claim 12 and its "said dictionary element includes **a definition**" is novel over the cited reference of Crawford et al. (hereinafter Crawford) and his "**reverse electronic dictionary**".

**b)** Claim 12 and its "said dictionary element includes **a definition**" is novel over the O.A. statement, regarding Crawford, of "**words which are thought to exist in the definition** of the word that is sought."

**Therefore** claim 12 recites novel physical features that distinguish over Martinez and his cited reference of Crawford, from the aforementioned O.A. statement.

**4.** As mentioned the O.A. states, regarding Martinez and applicant's claim 12, "(...Fig. 4...)". Martinez shows in his (Fig. 4), a "similar items" 430, and a "target item" 410 of "print".

Claim 12 and it's "**dictionary element includes a definition**" is novel over Martinez and his "**similar items**" to a "**target item**".

**Therefore** claim 12 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**5.** As mentioned the O.A. states, regarding Martinez and applicant's claim 12, "(...item 710...)".

Martinez describes, regarding item 710, at (col. 5, ln 40-45), "The example in FIG. 7 shows that the invention, responsive to said command for display, displays **similar items** (this time, items similar to the word "copy"), at 710, in pop-up window 420."

Thus Martinez shows at his (item 710) **the similar items** of "copy", which are "representation, image, likeness, resemblance, semblance, similitude, simulacrum, fair copy, faithful copy, certified copy".

Claim 12 and its "dictionary element includes a **definition**" is novel over Martinez and his (item 710) which shows the **similar items** of "copy".

**Therefore** claim 12 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**6.** As mentioned the O.A. states, regarding Martinez and applicant's claim 12, "(...claim 3)".

Martinez recites in his (claim 3): "The computer-implemented method of claim 1, wherein: said items are words; and said database is a dictionary."

Claim 12 and its "dictionary element includes a **definition**" is novel over Martinez and his (claim 3) which recites "said **database is a dictionary**." This is because Martinez does **not** recite a **definition** in his claim 3.

**Therefore** claim 12 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**The Additional Novel Reason of Claim 12 Over Martinez Under § 102:**

**7.** Claim 12 recites "a **definition** presented in said pop up digital space".

Martinez does **not** describe claim 12 and it's "a **definition**" anywhere in his invention.

Thus claim 12 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 12 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Dependent Claim 12 Is A Fortiori Patentable Over Martinez**

Dependent claim 12 incorporates all the subject matter of independent claim 11 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 12 incorporates all the limitations of independent claim 11, claim 12 is patentable for the same reasons given with respect to claim 11. Claim 12 is even more patentable because it adds additional elements.

Claim 12 recites: "The method of Claim 11 further including said dictionary element includes a definition presented in said pop up digital space."

The new and unexpected results that flow from the novel physical features of claim 12 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 12 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 12 is simpler than Martinez without loss of capability. Claim 12 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 12 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 12 are very different than Martinez and all previously known counterparts as of the applicant's filing date. Claim 12 and its "said **dictionary element**" is novel over Martinez and his very different and substantially less useful "**items similar** to the target item".

In addition Martinez does **not** teach claim 12 and it's "**a definition** presented in said pop up digital space" anywhere in his invention. Hence claim 12 has novelty results over Martinez.

**3. Social Benefit:** Claim 12 provides a greater social benefit than Martinez because education is important. Claim 12 and its "**a definition** presented in said pop up digital space" has more educational value than Martinez and his substantially less useful "**items similar** to the target item".

Martinez does **not** teach the educational value of claim 12 because his invention assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the social benefit result of claim 12 is very different than Martinez.

**4. Precision:** Claim 12 provides greater precision than Martinez. Claim 12 and its "**a definition** presented in said pop up digital space" has substantially more precise information than Martinez and his imprecise "**items similar** to the target item". Thus the precision result of claim 12 is very different than Martinez.

**5. Quality:** Claim 12 provides a higher quality result than Martinez. Claim 12 and its "**a definition** presented in said pop up digital space" has substantially higher quality than Martinez and his imprecise "**items similar** to the target item". Thus the quality result of claim 12 is very different than Martinez.

**6. Long Life Cycle:** Claim 12 has a potentially long life cycle that can be made and sold for many years because it's "a definition" is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising "**items similar** to the target item". Thus the long life cycle result of claim 12 is very different than Martinez.

**7. Prototype Availability:** Claim 12 has prototypes available and demonstrated in working models. The prototypes of claim 12 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**8. Broad Patent Coverage Available:** Claim 12 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 12 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 12 performs the unique functions of "a definition presented in said

pop up digital space." Claim 12 is very different than Martinez's broad patent coverage because he instead provides the unique "**items similar** to the target item".

**9. Inertia Need Not Be Overcome:** Claim 12 recites: "a definition presented in said pop up digital space." Potential manufacturers, users, and sellers of claim 12 will not manifest inertia because, as of this amendment's date, products and services using the claim are already selling on the market. The companies using claim 12 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment. The inertia result of claim 12 is very different than Martinez because his "**items similar** to the target item" is substantially less useful and likely must overcome significant inertia.

**10. Presence of Market:** Claim 12 recites: "a definition presented in said pop up digital space." Claim 12 has a market that already exists because it's "**a definition**" has an everyday usefulness. The presence of market of claim 12 is evident because, as of this amendment's date, products and services using the claim are already selling on the market. The companies using claim 12 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment. The presence of market result of claim 12 is very different than Martinez because his "**items similar** to the target item" is substantially less useful. Thus Martinez's presence of market is likely substantially less than claim 12.

**11. High Sales Anticipated:** Claim 12 per se can anticipate a high sales volume because its definition is very useful, educational, common to the everyday needs of people, relatively cheap to produce, and easy to market. The high sales anticipated of claim 12 is evident because, as of this amendment's date, products and services using the claim are already selling in high volumes. The companies using claim 12 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales volumes from the same company are attached with the Rule 132 declaration that is submitted with this amendment. The high sales result of claim 12 is very different than Martinez because his "**items similar** to the

target item" is substantially less useful, less convenient, and is therefore harder to market. Thus Martinez's invention likely does not have a high sales anticipated result.

**12. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 12 will appeal to young people because computers are popular with this market. Claim 12 is very useful for young people to learn about definitions. Claim 12 provides "**a definition**" in a convenient pop up digital space that helps the learning experience. Claim 12 is important for the purposes of education. Claim 12 is valuable because higher education is often a priority of young people. Claim 12 may command more sales of the youth market than the substantially less useful "**items similar** to the target item" of Martinez. Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 12 is very different than Martinez.

**13. Unexpected Results:** The results achieved by claim 12 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because its "dictionary element includes a definition presented in said pop up digital space" did not exist as of the applicant's filing date. Martinez does **not** teach the unexpected results of claim 12.

**14. Crowded Art:** The method of claim 12 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 12 provides the small step forward of "dictionary element includes a definition presented in said pop up digital space." This is a small step forward from Martinez. Martinez provides the very different small step forward of displaying the substantially less useful "**items similar** to the target item" in the crowded art of computers.

**15. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 12.

The O.A. states, regarding Martinez and applicant's claim 12, "wherein said dictionary elements includes a definition presented in said pop up digital spaces (col. 1, In 15-30, Fig. 4, item 710, claim 3),".

Martinez teaches at (col. 1, In 15-30) the cited references of Medl, Egger, and Crawford.

Medl does **not** teach claim 12 and its "**dictionary element includes a definition** presented in said **pop up digital space**". Instead Medl teaches "**Elements of a user interface**" and teaches, which, "Upon selection of a highlighted hyperlinked **element, a help window** appears providing **definitions, functional instructions, etc."**

In addition Medl does **not** each claim 12 and its novel action of "**dictionary element** includes a definition **presented** in said pop up digital space". Instead Medl teaches "**Elements** of a user interface for an application program are predefined as **help functions**".

Egger does **not** teach claim 12 and its "said dictionary element **includes a definition** ". Instead Egger teaches the very different "A preferred **definition** of F.sub.N is as follows: where D.sub.N is a damping factor that decreases rapidly as N increases."
Crawford teaches the very different "reverse electronic dictionary".
Thus Martinez in his (col. 1, In 15-30, Fig. 4, item 710, claim 3) does **not** teach claim 12 and it's "**a definition** presented in said pop up digital space". As a result claim 12 is very different than Martinez's cited references.
Martinez shows at (Fig. 4) the **items similar** to the target item of "print" 410. Claim 12 and its "**a definition** presented in said pop up digital space" is very different than Martinez's (Fig. 4). Martinez shows at his (item 710) the similar items of "copy", which are "representation, image, likeness, resemblance, semblance, similitude, simulacrum, fair copy, faithful copy, certified copy". Martinez teaches, regarding (item 710), at (col. 5, In 40-45), "The example in FIG. 7 shows that the invention, responsive to said command for display, displays similar items (this time, **items similar** to the word "copy"), at 710, in pop-up window 420." Claim 12 and its "**a definition** presented" is very different than the "**items similar** to the word "copy" of Martinez's (item 710).
Martinez recites in his (claim 3) "The computer-implemented method of claim 1, wherein: said items are words; and said database is a dictionary." Martinez does **not** teach in his (claim 3) the "**a definition** presented" of claim 12. Claim 12 and its "said **dictionary element**" is very different than the "said **database** is a **dictionary**" of Martinez's (claim 3).
Hence Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 12.

**16. Poor Reference:** Martinez is a poor reference of claim 12. This is because Martinez and his "**items similar** to the target item" are vague, foreign and conflicting to claim 12 and it's "**a definition** presented in said pop up digital space." Thus Martinez is vague, foreign and conflicts with claim 12, and therefore is a weak reference and should be construed narrowly.

**17. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. Martinez does **not** teach the result in claim 12 of: "said dictionary element includes **a definition** presented in said pop up digital space." Instead Martinez teaches displaying the very different and substantially less useful "**items similar** to the target item".

**18. Contrarian Invention:** Claim 12 is contrary to the teachings of Martinez. Claim 12 and it's "**a definition** presented in said pop up digital space" goes against the grain of Martinez and his very different and substantially less useful "**items similar** to the target item". Thus claim 12 is a contrarian invention to Martinez.

**19. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez that could be made only in hindsight. Martinez clearly does **not** teach the results in claim 12 of: "**a definition** presented in said pop up digital space." Instead Martinez teaches providing the very different and substantially less useful "**items similar** to the target item".

**20. Solved Different Problem:** Claim 12 solves a different problem than Martinez, and such different problem is recited in the claim of: "**a definition** presented in said pop up digital space." As a result claim 12 solves an educational problem. Instead Martinez solves the very different problem of providing the substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach solving an educational problem at all.

**21. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 12 as a whole, including its differences over Martinez, would have been obvious. Martinez clearly does **not** teach the new, unexpected results in claim 12 of: "said dictionary element includes **a definition** presented in said pop up digital space." Instead Martinez teaches providing the very different and substantially less useful "**items similar** to the target item".

**From the reasons discussed**, the applicant submits that claim 12 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration.

Accordingly the applicant submits that dependent claim 12 is a fortiori patentable and should also be allowed.

**The Rejection of Claim 13 on Martinez**

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding applicant's claim 13, "Martinez et al. show a method...wherein said pop up digital spaces presents various images that includes digital video when said cursor is placed over said word or phrase in said text (claim 4),".

**A Review of the Reference of Martinez:** Martinez provides a recursive search process and a recursive annotation function to search a database for "items similar to the target item". The "items similar" may be selected to insert, or replace the target item, in the main application.

**The Dependent Claim 13 is Currently Amended Under § 112**

Claim 13 is in currently amended status, which recites:

"The method of Claim 11 ~~wherein~~ further including said pop up digital ~~spaces~~ space presents ~~various images~~ an image that includes digital video when said cursor is placed over said word ~~or phrase~~ in said text."

Claim 13 is currently amended in the following ways with the accompanying reasons:

**1.** The "wherein" is deleted before "said pop up" and replaced with "further including" to make 13 clear, precise and logical under § 112, second paragraph because additional parts are added.

**2.** The "spaces" is deleted before "presents" and replaced with "space" to make claim 13 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**3.** The "various images" is deleted before "that includes" and replaced with "an image" to make claim 13 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**4.** The "or phrase" is deleted before "in said text" to make claim 13 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**The applicant submits that claim 13** is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable. No new matter has been added and the added subject matter is supported in the applicant's specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended dependent claim 13 under 35 U.S.C. § 112.

**The Rejection of Claim 13 on Martinez Overcome Under § 102**

Claim 13 recites in clean copy form: "The method of Claim 11 further including said pop up digital space presents an image that includes digital video when said cursor is placed over said word in said text."

The reasons that claim 13 is novel over Martinez include those from referred independent claim 11 as discussed in the above heading of "The Rejection of Independent Claim 11 on Martinez Overcome Under § 102".

The applicant respectfully disagrees that Martinez at (claim 4) describes claim 13 for the following reasons:

**1.** As mentioned the O.A. states, regarding Martinez and applicant's claim 13, "(claim 4)". Martinez recites in his (claim 4): "The computer-implemented method of claim 1, wherein said items are non-textual graphical images."

Claim 13 and its specific "includes **digital video**" is novel over (claim 4) of Martinez. This is because Martinez does not recite in his (claim 4), a "**digital video**".

**Therefore** claim 13 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**2.** As mentioned the O.A. states, regarding Martinez and applicant's claim 13, "(claim 4)". Martinez recites in his (claim 4): "The computer-implemented method of claim 1, wherein said items are non-textual graphical images."

Claim 13 and its "said **pop up digital space**" is novel over (claim 4) of Martinez. This is because Martinez does not recite in his (claim 4), a "**pop up digital space**".

**Therefore** claim 13 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**3.** As mentioned the O.A. states, regarding Martinez and applicant's claim 13, "(claim 4)".

Martinez recites in his (claim 4): "The computer-implemented method of claim 1, wherein said items are non-textual graphical images."

Claim 13 and its "said pop up digital space **presents** an image that includes digital video when said cursor is placed over said word" is a novel action over Martinez and his (claim 4).

**Therefore** claim 13 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**The Additional Novel Reasons of Claim 13 Over Martinez Under § 102:** Claim 13 recites additional novel reasons that distinguish over Martinez for the following additional reasons:

**4.** Claim 13 recites "said pop up digital space presents an image that includes digital video when said cursor is placed over said word".

Martinez describes at (col. 7, ln 54-64), "FIG. 14 illustrates one possible user interface display of a **graphics** application annotated with a pop-up display, according to the teachings of the present invention. This example may represent drawing software, drafting software or some other graphics software displaying **images** at 1400. The **images** in this example are triangular shapes that might represent shapes on a map, or structural components, or mechanical components such as fan blades. A first **target item** 1410 has been highlighted. A pop-up display, 1420, **shows similar items**, 1431, 1432, and 1433, and provides access to them."

Claim 13 and its "**presents an image** that includes digital video when said cursor is placed over said word" is novel over Martinez and his "**similar items**" to a "**target item**". This is because both of Martinez's "**similar items**" and "**target item**" are "**images**".

Thus claim 13 recites novel physical features that distinguish over Martinez.

**5.** Claim 13 recites "that includes digital video".

Claim 13 and its specific "**digital video**" is novel over Martinez. This is because Martinez does **not** describe a "**digital video**" anywhere in his invention.

much less "when said cursor is placed over **said word**".

Thus claim 13 recites novel physical features that distinguish over Martinez.

**6.** Claim 13 recites "that includes digital video when said cursor is placed over said word".

Claim 13 and its "that includes **digital video when said cursor is placed over said word**" is a novel action over Martinez. This is because Martinez does **not** describe the novel action of claim 13 anywhere in his invention.

Thus claim 13 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 13 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Dependent Claim 13 Is A Fortiori Patentable Over Martinez**

Dependent claim 13 incorporates all the subject matter of independent claim 11 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 13 incorporates all the limitations of independent claim 11, claim 13 is patentable for the same reasons given with respect to claim 11. Claim 13 is even more patentable because it adds additional elements.

Claim 13 recites: "The method of Claim 11 further including said pop up digital space presents an image that includes digital video when said cursor is placed over said word in said text."

The new and unexpected results that flow from the novel physical features of claim 13 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 13 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example,

might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 13 is simpler than Martinez without loss of capability. Claim 13 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 13 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 13 are very different than Martinez and all previously known counterparts as of the applicant's filing date.

Martine does **not** teach claim 13 and its "**digital video**" anywhere in his invention. In addition claim 13 and it's "**an image** that includes digital video **when said cursor is placed over said word**" is novel over Martinez and his substantially less useful "**items similar** to the target item". Hence claim 13 has novelty results over Martinez.

**3. Social Benefit:** Claim 13 provides a greater social benefit than Martinez because education is important. Claim 13 and its "an image that includes digital video when said cursor is placed over said word" has more educational value than Martinez and his substantially less useful "**items similar** to the target item".

Martinez does **not** teach the educational value of claim 13 because his invention assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the social benefit result of claim 13 is very different than Martinez.

**4. Precision:** Claim 13 provides greater precision than Martinez. Claim 13 and its "an image that includes digital video when said cursor is placed over said word" has substantially more precise information than Martinez and his imprecise "**items similar** to the target item". The precision of claim 13 is demonstrated in working models which show an image of a tiger when a cursor is placed over the word "tiger". Thus the precision result of claim 13 is very different than Martinez.

**5. Obviation of a Specific Disadvantage of an Existing Invention:** Claim 13 recites "an image that includes digital video when said cursor is placed over said word".

Martinez teaches at (col. 7, In 54-64), "FIG. 14 illustrates one possible user interface display of a graphics application annotated with a pop-up display, according to the teachings of the present

invention. This example may represent drawing software, drafting software or some other graphics software displaying images at 1400. The **images** in this example are triangular shapes that might represent shapes on a map, or structural components, or mechanical components such as fan blades. A first **target item** 1410 has been highlighted. A pop-up display, 1420, **shows similar items**, 1431, 1432, and 1433, and provides access to them."

Thus Martinez teaches showing similar images to a target item that must also be an image as taught in his specification, and this is a specific disadvantage in light of claim 13. Claim 13 is demonstrated in working models which show an image of a tiger when a cursor is placed over the word "tiger". Thus claim 13 and its advantage of presenting an image for a word overcome the specific disadvantage of Martinez.

**6. Operability:** Claim 13 likely will work readily as demonstrated by working models. The ready operability result of claim 13 is very different than Martinez. Martinez requires a complicated recursive search process that works with a recursive annotation function and a recursive pop-up display functions, among other numerous elements that needs very significant programming to be workable. The numerous elements of Martinez are discussed in the above subheading "1) Omission of Elements: ". Thus Martinez has a substantially less ready operability result than claim 13.

**7. Prototype Availability:** Claim 13 has prototypes available and demonstrated in working models. The prototypes of claim 13 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**8. Broad Patent Coverage Available:** Claim 13 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 13 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 13 performs the unique functions of "presents an image that includes digital video when said cursor is placed over said word". Claim 13 is very different than Martinez's broad patent coverage because he instead provides the unique "**items similar** to the target item".

**9. Youth Market:** People tend to spend more in many product areas for children than the rest of the population. Claim 13 will appeal to children and may command more sales because

computers are popular to this age group. Claim 13 will likely be popular with this age group because the claim recites: "an image that includes digital video when said cursor is placed over said word". The "an image" of claim 13 is very useful for children to learn about a word. Claim 13 is important for the purposes of education.

The "an image that includes digital video" for a word of claim 13 may command more sales than something that is not attractive to children such as Martinez's invention. The "items similar to the target item" of Martinez is probably boring for most children. Also Martinez assumes a user already understands his "items similar" in order to insert them or use them for replacement. As a result his invention is not very useful to children. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 13 is very different than Martinez.

**10. Unexpected Results:** The results achieved by claim 13 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because it's an image that includes digital video are presented in pop up digital space by simply placing a cursor over a word, did not exist as of the applicant's filing date. Martinez does **not** teach the unexpected results of claim 13.

**11. Crowded Art:** The method of claim 13 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 13 provides the small step forward of pop up digital space presents an image that includes a digital video when a cursor is simply placed over a word. This is a small step forward from Martinez. Martinez provides the very different small step forward of displaying the substantially less useful "items similar to the target item" in the crowded art of computers.

**12. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 13.

The O.A. states, regarding Martinez and applicant's claim 13, "wherein said pop up digital spaces presents various images that includes digital video when said cursor is placed over said word or phrase in said text (claim 4),".

Martinez recites in his (claim 4): "The computer-implemented method of claim 1, wherein said items are non-textual graphical images."

Martinez, in his (claim 4), does not recite the result of claim 13 and its "presents an image that

includes digital video when said cursor is placed over said word". Claim 13 is very different than Martinez's (claim 4).

In addition Martinez does **not** teach claim 13 and it's "**presents an image** that includes digital video when **said cursor is placed over said word**" anywhere in his invention.

Instead Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar** to the target item, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Martinez describes at (col. 7, In 54-64), "FIG. 14 illustrates one possible user interface display of a **graphics** application annotated with a pop-up display, according to the teachings of the present invention. This example may represent drawing software, drafting software or some other graphics software displaying images at 1400. The **images** in this example are triangular shapes that might represent shapes on a map, or structural components, or mechanical components such as fan blades. A first **target item** 1410 has been highlighted. A pop-up display, 1420, **shows similar items**, 1431, 1432, and 1433, and provides access to them."

Thus claim 13 and its **image** presented for a word is very different than Martinez and his "**items similar** to the target item" using images or without using images.

In addition Martinez does **not** teach the "**digital video**" of claim 13, anywhere in his invention, much less "when said cursor is placed over said **word**".

Hence Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 13.

**13. Unappreciated Advantage:** Martinez and those skilled in the art never appreciated the advantages of claim 13 because the advantages did not exist as of the applicant's filing date although it is inherent. Claim 13 provides the advantages of presenting an image that includes digital video for a word in a unique method that is fast, convenient and educational. Martinez does **not** teach an educational result at all. Instead Martinez provides the very different and substantially less useful "**items similar** to the target item".

**14. Poor Reference:** Martinez is a poor reference of claim 13. This is because Martinez and his "**items similar** to the target item" are vague, foreign and conflicting to claim 13 and it's "**an image** that includes digital video when said cursor is placed over said **word**". Thus Martinez is

vague, foreign and conflicts with claim 13, and therefore is a weak reference and should be construed narrowly.

**15. Lack of Implementation:** If claim 13 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented the claim as of the applicant's filing date. Claim 13 provides an image that includes digital video for a word in a method that is fast, convenient and educational. The fact that Martinez and those skilled in the art have not implemented claim 13, despite its great advantages, indicates that it is not obvious.

**16. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. Martinez does **not** teach the result in claim 13 of: "an image that includes digital video when said cursor is placed over said word". Instead Martinez teaches displaying the very different and substantially less useful "**items similar** to the target item".

**17. Contrarian Invention:** Claim 13 is contrary to the teachings of Martinez. Claim 13 and it's "an image that includes digital video when said cursor is placed over said word" goes against the grain of what Martinez teaches. Instead Martinez teaches the very different and substantially less useful "**items similar** to the target item".

**18. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez that could be made only in hindsight. Martinez clearly does **not** teach the results in claim 13 of: "an image that includes digital video when said cursor is placed over said word". Instead Martinez teaches providing the very different and substantially less useful "**items similar** to the target item".

**19. New Principle of Operation:** Claim 13 utilizes a new principle of operation. The new principle of operation of claim 13 is not shown by Martinez and the prior art as of the applicant's filing date. Claim 13 utilizes a new principle of operation in: "an image that includes digital video when said cursor is placed over said word". The applicant has blazed a trail, rather than followed one.

**20. Solved Different Problem:** Claim 13 solves a different problem than Martinez, and such different problem is recited in the claim of: "**an image** that includes digital video when said cursor is placed over said **word**". As a result claim 13 solves an educational problem. Instead Martinez solves the very different problem of providing the substantially less useful "**items**

**similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach solving an educational problem at all.

**21. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 13 as a whole, including its differences over Martinez, would have been obvious. Martinez clearly does **not** teach the new, unexpected results in claim 13 of: "**an image** that includes digital video when said cursor is placed over said **word**". Instead Martinez teaches providing the very different and substantially less useful "**items similar** to the target item".

**From the reasons discussed**, the applicant submits that claim 13 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration.

Accordingly the applicant submits that dependent claim 13 is a fortiori patentable and should also be allowed.

**The Rejection of Claim 14 on Martinez**

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding applicant's claim 14, "Martinez et al. show a method...wherein said pop up digital spaces are menu driven and utilize the drag and selection methods of said cursor to select various choices in the menus (menu usage, col. 1, In 40-55),".

**A Review of the Reference of Martinez:** Martinez provides a recursive search process and a recursive annotation function to search a database for "items similar to the target item". The "items similar" may be selected to insert, or replace the target item, in the main application.

**The Dependent Claim 14 is Currently Amended Under § 112**

Claim 14 is in currently amended status, which recites:

"The method of Claim 11 ~~wherein~~ further including said pop up digital ~~spaces are~~ space is menu driven and utilize the ~~drag and selection methods of said cursor to select~~ various choices in the ~~menus~~ menu."

Claim 14 is currently amended in the following ways with the accompanying reasons:

1. The "wherein" is deleted before "said pop up" and replaced with "further including" to make 14 clear, precise and logical under § 112, second paragraph because additional parts are added.

2. The "spaces are" is deleted before "menu driven" and replaced with "space is" to make claim 14 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

3. The "drag and selection methods of said cursor to select" is deleted before "various choices" to make claim 14 clear and logical under § 112, second paragraph because the "drag and selection methods" is not supported in applicant's specification.

4. The "menus" at the end is deleted and replaced with "menu" to make claim 14 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**The applicant submits that claim 14** is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable. No new matter has been added and the added subject matter is supported in the applicant's specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended dependent claim 14 under 35 U.S.C. § 112.

**The Rejection of Claim 14 on Martinez Overcome Under § 102**

Claim 14 recites in clean copy form: "The method of Claim 11 further including said pop up digital space is menu driven and utilize the various choices in the menu."

The reasons that claim 14 is novel over Martinez include those from referred independent claim 11 as discussed in the above heading of "The Rejection of Independent Claim 11 on Martinez Overcome Under § 102".

The applicant respectfully disagrees that Martinez at (menu usage, col. 1, In 40-55) describes claim 14 for the following reason:

1. As mentioned the O.A. states, regarding Martinez and applicant's claim 14, "(menu usage, col. 1, In 40-55)".

Martinez describes at his (menu usage, col. 1, In 40-55), "One example is Microsoft's WORD, in which a user may look up words in a thesaurus. A user may find the thesaurus function through **menus** at the **top of the screen**, or a user may find the thesaurus function by pointing to a word

in the text, clicking the right mouse button, and then selecting a "synonyms" option.

Another example is Corel's WORDPERFECT; again, a user may find the thesaurus function in a **menu** at the **top of the screen**. Corel's WORDPERFECT also contains a feature called "Prompt-As-You-Go." Depending on the position of the insertion point on the screen, a suggested correction may be displayed in a small box at the top of the screen; or a correctly spelled word in the text may be echoed in the small box at the top of the screen, and a user may activate a drop-down list of synonyms at the top of the screen. However, this list does not allow further access to words beyond those in the list."

Claim 14 and its "said **pop up digital space** is **menu driven**" is novel over Martinez and the **"menus at the top of the screen"** and **"menu at the top of the screen"**.

**Therefore** claim 14 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**The Additional Novel Reasons of Claim 14 Over Martinez Under § 102:** Claim 14 recites additional novel reasons that distinguish over Martinez for the following additional reasons:

**2.** Claim 14 recites "further including said pop up digital space is menu driven and utilize the various choices in the menu."

Martinez describes at (col. 4, ln 52-53), "A **pop-up display**, 420, shows similar items, 430, and provides access to said similar items 430."

Claim 14 and its **"menu driven"** and **"the menu"** are novel over Martinez and his **"pop-up display"**.

In addition Martinez does **not** describe a **"menu driven"** and a **"menu"** anywhere in his invention.

Thus claim 14 recites novel physical features that distinguish over Martinez.

**3.** Claim 14 recites "the various choices in the menu."

Martinez describes at (col. 4, ln 52-53), "A **pop-up display, 420, shows similar items**, 430, and provides access to said similar items 430."

Claim 14 and its **"various choices** in the menu" is novel over Martinez and his **"pop-up display shows similar items"**.

In addition Martinez does **not** describe a **"choices"** anywhere in his invention.

Thus claim 14 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 14 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Dependent Claim 14 Is A Fortiori Patentable Over Martinez**

Dependent claim 14 incorporates all the subject matter of independent claim 11 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 14 incorporates all the limitations of independent claim 11, claim 14 is patentable for the same reasons given with respect to claim 11. Claim 14 is even more patentable because it adds additional elements.

Claim 14 recites: "The method of Claim 11 further including said pop up digital space is menu driven and utilize the various choices in the menu."

The new and unexpected results that flow from the novel physical features of claim 14 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 14 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 14 is simpler than Martinez without loss of capability. Claim 14 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Precision:** Claim 14 provides greater precision than Martinez. Claim 14 and its "**various choices** in the menu" offers choices in which each choice has substantially more precise information than Martinez. Instead Martinez and his imprecise "**items similar** to the target item" show one specific and well defined category of information. Martinez does **not** teach a "menu" of claim 14 because his invention shows no other choice. Thus the precision result of claim 14 is very different than Martinez.

**3. Quality:** Claim 14 provides a higher quality result than Martinez because the claim recites: "further including said pop up digital space is menu driven and utilize the various choices in the menu." Claim 14 and its "**various choices** in the menu" offer a substantially higher quality result than Martinez and his imprecise "**items similar** to the target item". Thus the quality result of claim 14 is very different than Martinez.

**4. New Use:** Claim 14 has discovered a new use of its novel physical features which are: "further including said pop up digital space is menu driven and utilize the various choices in the menu." Claim 14 newly uses a "menu" in pop up digital space for educational purposes. The new use result of claim 14 is very different than Martinez because his invention does **not** teach a menu at all, much less the new use of it. Martinez does **not** teach an educational result at all.

**5. Obviation of a Specific Disadvantage of an Existing Invention:** Martinez teaches a specific disadvantage in light of claim 14. Claim 14 and its "various choices in the menu" have the advantage of offering choices that is very different than Martinez.    Instead Martinez teaches one specific and well defined category in his "similar items to a target item". Martinez does **not** teach a "menu" of claim 14 because his invention shows no other choice. Thus claim 14 and its advantage of various choices overcome the specific disadvantage of Martinez.

**6. Prototype Availability:** Claim 14 has prototypes available and demonstrated in working models. The prototypes of claim 14 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**7. Poor Reference:** Martinez is a poor reference of claim 14. This is because Martinez does **not** teach a "menu" at all of claim 14. Thus Martinez is foreign to claim 14 and it's "further including said pop up digital space is menu driven and utilize the various choices in the menu."

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Thus Martinez is foreign to claim 14, and therefore is a weak reference and should be construed narrowly.

**8. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. Martinez does **not** teach a "menu" at all of claim 14, much less the result in the claim of: "further including said pop up digital space is menu driven and utilize the various choices in the menu."

**From the reasons discussed**, the applicant submits that claim 14 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration.

Accordingly the applicant submits that dependent claim 14 is a fortiori patentable and should also be allowed.

**The Rejection of Claim 15 on Martinez**

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding applicant's claim 15, "Martinez et al. show a method…wherein the dictionary elements that present more than one meaning of said word or phrase, the intended contextual meaning of said word or phrase can be highlighted or otherwise distinguished (Fig. 8, item 810),".

**A Review of the Reference of Martinez:** Martinez provides a recursive search process and a recursive annotation function to search a database for "items similar to the target item". The "items similar" may be selected to insert, or replace the target item, in the main application.

**The Dependent Claim 15 is Currently Amended Under § 112**

Claim 15 is in currently amended status, which recites:

"The method of Claim 11 ~~wherein if~~ further including said dictionary ~~elements present~~ element presents more than one meaning of said word ~~or phrase~~, the intended contextual  meaning of said word ~~or phrase can~~ be is highlighted or otherwise distinguished."

Claim 15 is currently amended in the following ways with the accompanying reasons:

1. The "wherein if" is deleted before "said dictionary" and replaced with "further including" to make 14 clear, precise and logical under § 112, second paragraph because additional parts are added.

2. The "elements present" is deleted before "more than one" and replaced with "element presents" to make claim 15 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

3. The "or phrase" is deleted before "the intended contextual" to make claim 15 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

4. The "or phrase can be" is deleted before "highlighted" and replaced with "is" to make claim 15 clear, precise and logical under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**The applicant submits that claim 15** is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable. No new matter has been added and the added subject matter is supported in the applicant's specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended dependent claim 15 under 35 U.S.C. § 112.

**The Rejection of Claim 15 on Martinez Overcome Under § 102**

Claim 15 recites in clean copy form: "The method of Claim 11 further including said dictionary element presents more than one meaning of said word, the intended contextual meaning of said word is highlighted or otherwise distinguished."

The reasons that claim 15 is novel over Martinez include those from referred independent claim 11 as discussed in the above heading of "The Rejection of Independent Claim 11 on Martinez Overcome Under § 102".

The applicant respectfully disagrees that Martinez at (Fig. 8, item 810) describes claim 15 for the following reason:

1. As mentioned the O.A. states, regarding Martinez and applicant's claim 15, "(Fig. 8, item 810)".

Martinez shows at his (Fig. 8, item 810) a "certified copy".

Claim 15 and its "the **intended contextual meaning** of said word is **highlighted or otherwise distinguished**" is novel over Martinez and his "a certified copy" at (Fig. 8, item 810).

**Therefore** claim 15 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**The Additional Novel Reasons of Claim 15 Over Martinez Under § 102:**  Claim 15 recites additional novel reasons that distinguish over Martinez for the following additional reasons:

**2.** Claim 15 recites "further including said dictionary element presents more than one meaning of said word,".

Martinez describes at (col. 4, In 27-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 15 and its "said dictionary element **presents more than one meaning of said word**" is novel over Martinez and his "**items similar to the target item**".

Thus claim 15 recites novel physical features that distinguish over Martinez.

**3.** Claim 15 recites "further including said dictionary element presents more than one meaning of said word, the intended contextual meaning of said word is highlighted or otherwise distinguished."

Martinez describes a "highlighted" in his cited reference of Medl at (col. 1, In 14-22), "Many approaches have been proposed to retrieving information and displaying it to a computer user. Examples include U.S. Pat. No. 6,209,006 (Medl, et al., Mar. 27, 2001), which relates to the use of hyperlinks that enable recall of help functions. "Elements of a user interface for an application program are predefined as help functions by the programmer or developer . . . . Upon selection of a **highlighted** hyperlinked element, a help window appears providing definitions, functional instructions, etc."

Claim 15 and its "said dictionary element presents more than one meaning of **said word**, the intended contextual meaning of **said word is highlighted**" is novel over Martinez's cited reference of Medl.  Medl shows a "hyperlinked element" that is "**highlighted**" **before** "providing definitions, functional instructions, etc."  Rather claim 15 provides "said word" **before** "the intended contextual meaning of said word is **highlighted**".

Thus claim 15 recites novel physical features that distinguish over Martinez and his cited reference of Medl.

**4.** Claim 15 recites "further including said dictionary element presents more than one meaning of said word, the intended contextual meaning of said word is highlighted or otherwise distinguished."

Martinez describes a "highlighted" at (col. 4, In 49-53), "The target item is **highlighted**, 410. A pop-up display, 420, shows similar items, 430, and provides access to said similar items 430." Martinez describes at (col. 7, In 61-64), "A first target item 1410 has been **highlighted**. A pop-up display, 1420, shows similar items, 1431, 1432, and 1433, and provides access to them."

Claim 15 and its "said dictionary element presents more than one meaning of **said word**, the intended contextual meaning of **said word is highlighted**" is novel over Martinez. Martinez and his "target item" or "first item" is "**highlighted**" **before** showing the "similar items". Rather claim 15 provides "said word" **before** "the intended contextual meaning of said word is **highlighted**".

Thus claim 15 recites novel physical features that distinguish over Martinez.

**5.** Claim 15 recites "the intended contextual meaning of said word is highlighted or otherwise distinguished."

Claim 15 and it's "**the intended contextual meaning** of said word is **highlighted or otherwise distinguished**" is a novel action over Martinez. This is because Martinez does **not** describe the novel action of claim 15 anywhere in his invention.

Thus claim 15 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 15 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Dependent Claim 15 Is A Fortiori Patentable Over Martinez**

Dependent claim 15 incorporates all the subject matter of independent claim 11 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 15 incorporates all the limitations of independent claim 11, claim 15 is patentable for the same reasons given with respect to claim 11. Claim 15 is even more patentable because it adds additional elements.

Claim 15 recites: "The method of Claim 11 further including said dictionary element presents more than one meaning of said word, the intended contextual meaning of said word is highlighted or otherwise distinguished."

The new and unexpected results that flow from the novel physical features of claim 15 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 15 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 15 is simpler than Martinez without loss of capability. Claim 15 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Ease of Use:** Claim 15 is easier to use and learn than Martinez because the claim recites: "further including said dictionary element presents more than one meaning of said word, the intended contextual meaning of said word is highlighted or otherwise distinguished." Claim 15 requires no action or learning because the intended contextual meaning of a word is already highlighted or otherwise distinguished. This ease of use advantage is especially important in digital innovations because the claim enables people to use the computer more facilely, and this counts a great deal.

Martinez does **not** teach claim 15 at all, of presenting the intended contextual meaning of a word that is highlighted or otherwise distinguished. Thus the ease of use result of claim 15 is very different than Martinez.

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**3. Novelty:** Claim 15 has novelty results over Martinez because the claim recites: "further including said dictionary element presents more than one meaning of said word, the intended contextual meaning of said word is highlighted or otherwise distinguished." Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty result of claim 15 is very different than Martinez and all previously known counterparts as of the applicant's filing date.

Martinez does **not** teach claim 15 and it's "the intended contextual meaning of said word" anywhere in his invention. Martinez does **not** teach claim 15 and its "said word is highlighted or otherwise distinguished" anywhere in his invention. Hence claim 15 has novelty results over Martinez.

**4. Convenience:** Claim 15 makes living easier and more convenient because it already highlights or otherwise distinguishes the intended contextual meaning of a word. No action needed to use claim 15 and this is an advantage. Martinez does **not** teach this convenience result of claim 15 at all. Thus the convenience result of claim 15 is very different than Martinez.

**5. Social Benefit:** Claim 15 produces greater social benefits than Martinez because the claim provides certainty by highlighting or otherwise distinguishing the intended contextual meaning of a word. Claim 15 prevents people from having to guess the intended meaning when at least one meaning of a word are presented. Claim 15 is useful for the important purpose of education. Martinez does **not** teach the social benefit of education at all, much less claim 15 and its "the intended contextual meaning of said word is highlighted or otherwise distinguished." Thus the social benefit results of claim 15 are very different than Martinez.

**6. Mechanization:** Claim 15 computerizes the manual task of using a highlighting pen or other manual techniques such as using a pencil to write the intended meaning on paper. Martinez does **not** teach this computerization benefit of claim 15 at all. Thus the mechanization result of claim 15 is very different than Martinez.

**7. Salability:** Claim 15 likely is easier to sell and market than Martinez. Claim 15 and the highlighting of the intended contextual meaning of a word is very helpful and educational. Martinez does **not** teach an educational result at all. In addition claim 15 and its "**dictionary element** presents more than one meaning of **said word**" is common and popular to the everyday

needs of people. The salability of claim 15 is very different than Martinez because his invention teaches the substantially less useful "**items similar** to the target item".

**8. Potential Competition:** Claim 15 is potentially very popular because of the highlighting or otherwise distinguishing the intended contextual meaning of a word. Claim 15 is so simple, popular, and easy to produce that many imitators and copiers are likely to attempt to copy it or design around it, or try to break the claim as soon as it is brought out. Martinez does **not** teach claim 15 and its function of "the intended contextual meaning of said word is highlighted or otherwise distinguished" anywhere in his invention.

In addition Martinez teaches the substantially less useful "**items similar** to the target item".

Thus the potential competition result of claim 15 is very different than Martinez.

**9. Quality:** Claim 15 produces a higher quality output than Martinez. This is because claim 15 provides richer information from its "said dictionary element presents more than one meaning of said word". In addition claim 15 provides the quality result of "the intended contextual meaning of said word is highlighted or otherwise distinguished." Martinez does **not** teach claim 15 and its "the intended contextual meaning of said word is highlighted or otherwise distinguished." In addition Martinez teaches the substantially less useful "**items similar** to the target item". Thus the quality results of claim 15 are very different than Martinez.

**10. New Use:** Claim 15 has discovered a new use for its highlighting or otherwise distinguishing functions that did not exist as of the applicant's filing date. These functions are newly used in claim 15 to indicate the intended contextual meaning of a word if there is more than one meaning. Martinez does **not** teach these new uses of claim 15. Thus the new use results of claim 15 are very different than Martinez.

**11. Long Life Cycle:** Claim 15 has a potentially long life cycle that can be made and sold for many years because its dictionary element with more than one meaning is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising "**items similar** to the target item". Thus the long life cycle result of claim 15 is very different than Martinez.

**12. Minimal Learning Required:** Claim 15 requires virtually no learning to use because the intended contextual meaning of a word is already highlighted or otherwise distinguished.

Martinez teaches requiring the learning of at least 2 user selections and at least 3 other steps to show his **"items similar** to the target item". These steps of Martinez do not require significant learning, but they are very significant compare to the no learning of claim 15. Thus the minimal or no learning result of claim 15 is very different than Martinez.

**13. Combination Product:** Claim 15 and its functions of "the intended contextual meaning of said word" and "is highlighted or otherwise distinguished" produce a combination that grooves well together. The combination of claim 15 did not exist as of the applicant's filing date. Martinez does **not** teach this combination of claim 15 anywhere in his invention. Thus the combination product result of claim 15 is very different than Martinez.

**14. Prototype Availability:** Claim 15 has a prototype available and demonstrated in working models. The prototype of claim 15 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**15. Visibility of Invention in Final Product:** Claim 15 and its function of highlighting, for example, present a bright contrast that is highly visible. This high visibility will be a distinct marketing advantage for claim 15. Martinez does **not** teach the highlighting function of claim 15 anywhere in his invention. Thus the high visibility result of claim 15 is very different than Martinez.

**16. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 15 will appeal to young people because computers are popular with this market. Claim 15 is very useful for young people to learn about a word. Claim 15 and its "intended contextual meaning of said word is highlighted or otherwise distinguished" helps the learning experience. Claim 15 is important for the purposes of education. Claim 15 is valuable because higher education is often a priority of young people.

Claim 15 may command more sales of the youth market than the substantially less useful **"items similar** to the target item" of Martinez. Also Martinez assumes a user already understands his **"items similar"** in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 15 is very different than Martinez.

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**17. Unexpected Results:** The results achieved by claim 15 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because the intended contextual meaning of a word that is highlighted or otherwise distinguished did not exist as of the applicant's filing date. Martinez does **not** teach the unexpected results of claim 15.

**18. Assumed Insolubility:** As of the applicant's filing date those skilled in the art thought or found the problem solved by claim 15 to be insoluble. The cited reference of MacMillan (patent date: July 3, 2001), a skilled software inventor, wrote, "in English there are many words such as bark$^1$, (sound of a dog), bark$^2$ (of a tree), and bark$^3$ (a sailing ship), all of which may have different languages of origin. When the user inputs the word "bark", it is desirable to print out all the different possibilities (since it's **impossible** to know which one the user was requesting.)". Claim 15 clearly shows that what was assumed to be an impossible, insoluble problem is in fact soluble. Claim 15 converts failure into success because the intended contextual meaning of a word that is highlighted or otherwise distinguished. The failures of prior art workers like Martinez and MacMillan indicate that a solution was not obvious.

**19. Unappreciated Advantage:** As of the applicant's filing date Martinez and those skilled in the art never appreciated the advantages of claim 15 although as of the applicant's filing date although it is inherent. Claim 15 provides the advantage of having the intended contextual meaning of a word that is highlighted or otherwise distinguished in a unique method that is fast, convenient and educational. Martinez does **not** teach an educational result at all. Instead Martinez provides the very different and substantially less useful "**items similar** to the target item".

**20. Poor Reference:** Martinez is a poor reference to claim 15. This is because Martinez and his "**items similar** to the target item" are vague and conflicting to claim 15 and it's "the intended contextual meaning of said word". In addition Martinez is foreign because his invention does **not** teach claim 15 and its "the intended contextual meaning of said word is highlighted or otherwise distinguished." Thus Martinez is vague, foreign and conflicts with claim 15, and therefore is a weak reference and should be construed narrowly.

**21. Lack of Implementation:** If claim 15 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented it by the applicant's filing date. The fact that Martinez and those skilled in the art have not implemented claim 15, despite

its great advantages, indicates that it is not obvious.  The advantages of claim 15 are the intended contextual meaning of a word is highlighted or otherwise distinguished.

**22. Contrarian Invention:**  Claim 15 is contrary to the teachings of Martinez.  Claim 15 and it's "the intended contextual meaning of said word" goes against the grain of Martinez and his very different and substantially less useful "**items similar** to the target item".  Thus claim 15 is a contrarian invention to Martinez.

**23. Solved Different Problem:**  Claim 15 solves a different problem than Martinez, and such different problem is recited in the claim of:  "**the intended contextual  meaning of said word** is highlighted or otherwise distinguished."  As a result claim 15 solves an educational problem. Instead Martinez solves the very different problem of providing the substantially less useful "**items similar** to the target item".  Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement.  In fact Martinez does **not** teach solving an educational problem at all.

**24. No Convincing Reasoning:**  The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 15 as a whole, including its differences over Martinez, would have been obvious.  Martinez clearly does **not** teach the new, unexpected results in claim 15 of: "further including said dictionary element presents more than one meaning of said word, the intended contextual  meaning of said word is highlighted or otherwise distinguished."

**From the reasons discussed**, the applicant submits that claim 15 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration.

Accordingly the applicant submits that dependent claim 15 is a fortiori patentable and should also be allowed.

**The Rejection of Claim 16 on Martinez**

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding applicant's claim 16, "Martinez et al. show a method... further including said dictionary elements presented in said pop up digital spaces are from a sources that includes published works (thesaurus and dictionary, claims 2 and 3),".

**A Review of the Reference of Martinez:** Martinez provides a recursive search process and a recursive annotation function to search a database for "items similar to the target item". The "items similar" may be selected to insert, or replace the target item, in the main application.

**The Dependent Claim 16 is Currently Amended Under § 112**

Claim 16 is in currently amended status, which recites:

"The method of Claim 11 further including said dictionary ~~elements~~ element presented in said pop up digital ~~spaces are~~ space is from a ~~sources~~ source that includes a published ~~works~~ work."

Claim 16 is currently amended in the following ways with the accompanying reasons:

**1.** The "elements" is deleted before "presented in" and replaced with "element" to make claim 16 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**2.** The "spaces are" is deleted before "from a sources" and replaced with "space is" to make claim 16 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**3.** The "sources" is deleted before "that includes" and replaced with "source" to make claim 16 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**4.** The article "a" is added before "published" to make claim 16 clear and precise under § 112, second paragraph.

**5.** The "works" is deleted at the end and replaced with "work" to make claim 16 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**The applicant submits that claim 16** is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable. No new matter has been added and the added subject matter is supported in the applicant's specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended dependent claim 16 under 35 U.S.C. § 112.

**The Rejection of Claim 16 on Martinez Overcome Under § 102**

Claim 16 recites in clean copy form: "The method of Claim 11 further including said dictionary element presented in said pop up digital space is from a source that includes a published work."

The reasons that claim 16 is novel over Martinez include those from referred independent claim 11 as discussed in the above heading of "The Rejection of Independent Claim 11 on Martinez Overcome Under § 102".

The applicant respectfully disagrees that Martinez at (thesaurus and dictionary, claims 2 and 3) describes claim 16 for the following reasons:

1. As mentioned the O.A. states, regarding Martinez and applicant's claim 16, "(thesaurus and dictionary, claims 2 and 3)".

Martinez recites in his (claim 2): "The computer-implemented method of claim 1, wherein: said items are words; and said database is a thesaurus."

Claim 16 and its "from a source that includes **a published work**" is novel over Martinez and his recited "and **said database is a thesaurus**".

**Therefore** claim 16 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

2. As mentioned the O.A. states, regarding Martinez and applicant's claim 16, "(thesaurus and dictionary, claims 2 and 3)".

Martinez recites in his (claim 3): "The computer-implemented method of claim 1, wherein: said items are words; and said database is a dictionary."

Claim 16 and its "from a source that includes **a published work**" is novel over Martinez and his recited "and **said database is a dictionary**".

**Therefore** claim 16 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**The Additional Novel Reason of Claim 16 Over Martinez Under § 102:**

3. Claim 16 recites "said dictionary element presented in said pop up digital space is from a source that includes a published work."

Claim 16 and its "from a source that includes **a published work**" is novel over Martinez. This is because Martinez does **not** describe "**a published work**" anywhere in his invention.

Thus claim 16 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 16 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Dependent Claim 16 Is A Fortiori Patentable Over Martinez**

Dependent claim 16 incorporates all the subject matter of independent claim 11 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 16 incorporates all the limitations of independent claim 11, claim 16 is patentable for the same reasons given with respect to claim 11. Claim 16 is even more patentable because it adds additional elements.

Claim 16 recites: "The method of Claim 11 further including said dictionary element presented in said pop up digital space is from a source that includes a published work."

The new and unexpected results that flow from the novel physical features of claim 16 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 16 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 16 is simpler than Martinez without loss of capability. Claim 16 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 16 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of

claim 16 are very different than Martinez and all previously known counterparts as of the applicant's filing date. Martine does **not** teach claim 16 and it's "a **published** work" anywhere in his invention. Hence claim 16 has novelty results over Martinez.

**3. Social Benefit:** Claim 16 provides a greater social benefit than Martinez because education is important. Claim 16 and its "said dictionary element presented in said pop up digital space is from a source that includes a published work" has more educational value than Martinez and his substantially less useful "**items similar** to the target item". Also Martinez does **not** teach the educational value of claim 16 because his invention assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the social benefit result of claim 16 is very different than Martinez.

**4. Market Size:** Claim 16 likely has a substantially larger market size than Martinez. Claim 16 and its dictionary element "from a source that includes a published work" is common and popular to the everyday needs of people. Instead Martinez teaches his substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the market size result of claim 16 is very different than Martinez.

**5. Quality:** Claim 16 provides a higher quality result than Martinez because the claim recites "a source that includes a published work." Martinez does **not** teach "a published work" of claim 16 with its editorial quality anywhere in his invention. Thus the quality result of claim 16 is very different than Martinez.

**6. Long Life Cycle:** Claim 16 has a potentially long life cycle that can be made and sold for many years because its "said dictionary element" is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising "**items similar** to the target item". Thus the long life cycle result of claim 16 is very different than Martinez.

**7. Obviation of Specific Disadvantages of Existing Device:** Martinez recites in his (claim 2): "The computer-implemented method of claim 1, wherein: said items are words; and said database is a thesaurus." Martinez recites in his (claim 3): "The computer-implemented method of claim 1, wherein: said items are words; and said database is a dictionary."

Martinez describes at (col. 2, ln 49-51), "This might involve inserting a word into text with a word processor; the items may be words, and the **database may be a thesaurus or dictionary**, for example."

Claim 16 recites "further including said dictionary element presented in said pop up digital space is from a source that includes a published work." Claim 16 obviates a specific disadvantage of Martinez because the claim is not limited to his specific databases. The dictionary element of claim 16 "from a source that includes a published work" can be presented with or without databases, and this flexibility is an advantage over Martinez. Claim 16 is demonstrated in working models that did not implement a database to present its dictionary element.

In addition Martinez does **not** teach "a published work" of claim 16 anywhere in his invention. Thus Martinez does not have the prestige advantage that goes with "a published work" of claim 16.

**8. Miscellaneous:** Claim 16 means to be a digital dictionary because it recites "further including said dictionary element presented in said pop up digital space is from a source that includes a published work." Martinez does **not** teach the digital dictionary result of claim 16. Instead Martinez teaches providing the substantially less useful "**items similar** to the target item".

In addition claim 16 recites "a published work" in broad enough terms that it has a scope, for example, that includes various subject oriented dictionaries. Martinez does not have this scope of claim 16 because his invention does **not** teach "a published work" at all. Thus these miscellaneous results of claim 16 are very different than Martinez.

**9. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 16 will appeal to young people because computers are popular with this market. Claim 16 provides the "dictionary element presented in said pop up digital space is from a source that includes a published work." Claim 16 is useful for young people to learn about a dictionary element from a published work. Claim 16 is important for the purposes of education. Claim 16 is valuable because higher education is often a priority of young people.

Claim 16 likely will command more sales of the youth market than Martinez. Martinez provides the substantially less useful "**items similar** to the target item". Also Martinez assumes a user

already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 16 is very different than Martinez.

**10. Synergism:** Claim 16 recites "further including said dictionary element presented in said pop up digital space is from a source that includes a published work." The "pop up digital space" of claim 16 and its "a published work" cooperate together to increase the overall learning of a dictionary element, a synergistic effect. Martinez does not show this synergism result of claim 16 because he does **not** teach "a published work" anywhere in his invention. Instead Martinez teaches the very different synergism of "a target item" and "a recursive search process" to produce the substantially less useful "**items similar** to the target item". Thus the synergism result of claim 16 is very different than Martinez.

**11. Unexpected Results:** The results achieved by claim 16 are new, unexpected, superior, disproportionate, unsuggested, unusual, critical, and surprising because the claim is very different than Martinez. Claim 16 shows the results of "further including said dictionary element presented in said pop up digital space is from a source that includes a published work." Martinez does **not** teach "a published work" of claim 16 anywhere in his invention. Thus claim 16 has unexpected results over Martinez.

**12. Poor Reference:** Martinez is a foreign reference to claim 16. Claim 16 recites "a source that includes a published work." Martinez does **not** teach "a published work" of claim 16 anywhere in his invention. Thus the reference of Martinez is entirely foreign to claim 16 and therefore is weak and should be construed narrowly.

**13. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. Martinez does **not** teach "a published work" of claim 16 anywhere in his invention. Thus Martinez is a misunderstood reference of claim 16.

**14. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez that could be made only in hindsight. This is because Martinez clearly does **not** teach "a published work" of claim 16 anywhere in his invention.

**15. Solved Different Problem:** Claim 16 solves a different problem than Martinez, and such different problem is recited in the claim of: "said **dictionary element** presented in said pop up digital space is from a source that includes **a published work**." As a result claim 16 solves an educational problem. Instead Martinez solves the very different problem of providing the substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach solving an educational problem at all.

**16. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 16 as a whole, including its differences over Martinez, would have been obvious. Claim 16 recites "further including said dictionary element presented in said pop up digital space is from a source that includes a published work." Martinez clearly does **not** teach "a published work" of claim 16 anywhere in his invention.

**From the reasons discussed**, the applicant submits that claim 16 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration.

Accordingly the applicant submits that dependent claim 16 is a fortiori patentable and should also be allowed.

**The Rejection of Claim 17 on Martinez**

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding applicant's claim 17, "Martinez et al. show a method… wherein said dictionary elements are to be used judiciously (Fig. 5),".

**A Review of the Reference of Martinez:** Martinez provides a recursive search process and a recursive annotation function to search a database for "items similar to the target item". The "items similar" may be selected to insert, or replace the target item, in the main application.

**The Dependent Claim 17 is Currently Amended Under § 112**

Claim 17 is in currently amended status, which recites:

"The method of Claim 11 ~~wherein~~ further including said dictionary ~~elements are to be used judiciously~~ element is presented with respect to the intended audience."

Claim 17 is currently amended as discussed in the above heading "The Rejection of Claim 17 Under § 112 Overcome".

**The Rejection of Claim 17 on Martinez Overcome Under § 102**

Claim 17 recites in clean copy form: "The method of Claim 11 further including said dictionary element is presented with respect to the intended audience."

The reasons that claim 17 is novel over Martinez include those from referred independent claim 11 as discussed in the above heading of "The Rejection of Independent Claim 11 on Martinez Overcome Under § 102".

The applicant respectfully disagrees that Martinez at (Fig. 5) describes claim 17 for the following reason:

**1.** As mentioned the O.A. states, regarding Martinez and applicant's claim 17, "(Fig. 5)". Martinez shows at his (Fig. 5), the target item of "print" and its similar items of "copy, indentation, mark, picture, photograph, engraving, letter, type, edition, in print, fix, impress, publish, engrave, stamp".

Claim 17 and its "dictionary element is presented **with respect to the intended audience**" is novel over Martinez and his (Fig. 5).

**Therefore** claim 17 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**The Additional Novel Reason of Claim 17 Over Martinez Under § 102:**

**2.** Claim 17 recites "said dictionary element is presented with respect to the intended audience." Claim 17 and its "said dictionary element is presented **with respect to the intended audience**" is novel over Martinez. This is because Martinez does **not** describe "**with respect to the intended audience**" anywhere in his invention.

Thus claim 17 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 17 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Dependent Claim 17 Is A Fortiori Patentable Over Martinez**

Dependent claim 17 incorporates all the subject matter of independent claim 11 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 17 incorporates all the limitations of independent claim 11, claim 17 is patentable for the same reasons given with respect to claim 11. Claim 17 is even more patentable because it adds additional elements.

Claim 17 recites: "The method of Claim 11 further including said dictionary element is presented with respect to the intended audience."

The new and unexpected results that flow from the novel physical features of claim 17 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 17 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 17 is simpler than Martinez without loss of capability. Claim 17 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 17 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 17 are very different than Martinez and all previously known counterparts as of the applicant's filing date. Martinez does **not** teach the "audience" of claim 17 at all, much less it's

"said dictionary element is presented with respect to the intended audience." Hence claim 17 has a novelty result over Martinez.

**3. Social Benefit:** Claim 17 provides a social benefit because its dictionary element "is presented with respect to the intended audience." The dictionary element of claim 17 is presented with a level of difficulty that is appropriate to intended audiences. Thus claim 17 provides a social benefit to such intended audiences. Martinez does **not** teach the "audience" of claim 17 at all, much less "with respect to the intended audience". Thus the social benefit result of claim 17 is very different than Martinez.

**4. Quality:** Claim 17 produces a higher quality output than Martinez. Claim 17 provides "said dictionary element is presented with respect to the intended audience." The dictionary element of claim 17 is presented in varied ways and levels of difficulty based on the many types of intended audiences. This is a high quality result of 13. Martinez does **not** teach the "audience" of claim 17 at all, much less presenting a dictionary element "with respect to the intended audience." Thus the high quality result of claim 17 is very different than Martinez.

**5. Inferior Performance:** Claim 17 may provide an inferior performance benefit because the claim provides "said dictionary element is presented with respect to the intended audience." The "dictionary element" of claim 17 may perform worse than a comparable "dictionary element" of the claim, or other dictionary material available, and this can be a great advantage. The "dictionary element" of claim 17 can be presented in a basic form that is appropriate, for example, to the intended audience of young children. This is an inferior dictionary element than a dictionary element for the intended audience of adults. Such inferior performance provides the advantages of making a dictionary element understandable and more effective in educating the young children audience.

Alternatively the "dictionary element" of claim 17 can be presented in a large text formats that is appropriate, for example, to the intended audience of people with low vision. This is an inferior dictionary element that takes up more space than regular size text. Such inferior performance provides the advantages of making a dictionary element more viewable and more readable for the low vision audience.

Alternatively the "dictionary element" of claim 17 can be presented in acronyms and abbreviations that are appropriate, for example, to the intended audience of electrical engineers.

The acronyms and abbreviations are an inferior dictionary element that does not contain the full letterings and words of the complete words. Such inferior performance provides the advantages of making a dictionary element more readable and for faster reading for the electrical engineer audience.

Martinez does **not** teach the "audience" of claim 17 at all, much less presenting a dictionary element "with respect to the intended audience". Thus the inferior performance advantage of claim 17 is very different than Martinez.

**6. Long Life Cycle:** Claim 17 has a potentially long life cycle that can be made and sold for many years because its "said dictionary element" is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising "**items similar** to the target item". Thus the long life cycle result of claim 17 is very different than Martinez.

**7. Miscellaneous:** Claim 17 has a miscellaneous advantage because the claim provides "said dictionary element is presented with respect to the intended audience." The dictionary element of claim 17 is presented in varied ways and levels of difficulty based on the many types of intended audiences. Martinez does **not** teach the "audience" of claim 17 at all, much less "with respect to the intended audience". As a result Martinez provides his "**items similar** to the target item" that is a uniform and homogeneous regardless of any audience. Thus the miscellaneous advantage of claim 17 is very different than Martinez.

**8. Prototype Availability:** Claim 17 has prototypes available and demonstrated in working models. The working models show claim 17 for the intended audience of adults, and for the intended audience of young children. The prototypes of claim 17 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**9. Broad Patent Coverage Available:** Claim 17 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 17 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 17 performs the unique functions of "said dictionary element is presented with respect to the intended audience." Martinez does **not** teach the "audience" of

claim 17 at all, much less "with respect to the intended audience". Thus the broad coverage result of claim 17 is very different than Martinez.

**10. Youth Market:** Claim 17 will appeal to young people because computers are popular with this market. Claim 17 and its "dictionary element is presented with respect to the intended audience" of young people helps the learning experience. Claim 17 is important for the purposes of education. Claim 17 is valuable because higher education is often a priority of young people. Claim 17 may command more sales of the youth market than the substantially less useful "**items similar** to the target item" of Martinez. Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market, much less any "audience". Thus the youth market result of claim 17 is very different than Martinez.

**11. Unexpected Results:** The results achieved by claim 17 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because of its "said dictionary element is presented with respect to the intended audience". Martinez does **not** teach the unexpected results of claim 17.

**12. Crowded Art:** The method of claim 17 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 17 provides the small step forward in "said dictionary element is presented with respect to the intended audience." Martinez does **not** teach this small step forward of claim 17.

**13. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 17.

The O.A. states, regarding Martinez and applicant's claim 17, "wherein said dictionary elements are to be used judiciously (Fig. 5),".

Martinez shows at his (Fig. 5), the target item of "print" and its similar items of "copy, indentation, mark, picture, photograph, engraving, letter, type, edition, in print, fix, impress, publish, engrave, stamp". Martinez in his (Fig. 5) does **not** teach claim 17 and its "said dictionary element is presented with **respect to the intended audience.**" Thus claim 17 is very different than Martinez's (Fig. 5).

In addition Martinez teaches, regarding his (Fig. 5), at (col. 5, In 1-36), "FIG. 5 illustrates one possible user interface display involving the invention's recursive search process. FIG. 5 illustrates how any one of the similar items at 430 may become a target item for the invention's recursive search process. For example, the invention may apply a recursive annotation function to the similar items at 430; any one of said similar items at 430 may become a target item for said recursive annotation function. In this example, near cursor 520's position, the item at 510, the word "copy," has become a target item for said recursive annotation function. The invention searches a database for **items similar** to the target item. As in FIG. 2, the invention provides an indicator, 230, near word 510's position, to show the existence of similar items in the database. In this example, as in FIG. 2, indicator 230 displays a number (10), showing how many similar items (i.e. **items similar** to the item at 510) exist in said database. Thus the user may interact with the similar items 430 displayed in the pop-up window 420, in the same way as the user interacts with items displayed in the main application, such as item 220 in FIG. 2. The user may choose to see **items similar** to the item at 510. On the other hand, the user may choose to utilize the item at 510. In this example, the item at 510, the word "copy," is underlined to show that it may be selected by the user, and utilized in the main application."

Martinez does **not** teach claim 17 and it's "further including said dictionary element is presented with respect **to the intended audience**" in his Fig. 5 description at (col. 5, In 1-36), nor anywhere else in his invention.

Hence Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 17.

**14. Poor Reference:** Martinez is a foreign reference to claim 17. Claim 17 recites "said dictionary element is presented with respect to the intended audience." Martinez does **not** teach the "audience" of claim 17 at all, much less "with respect to the intended audience".

Thus the reference of Martinez is entirely foreign to claim 17 and therefore is weak and should be construed narrowly.

**15. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. Martinez does **not** teach the "audience" of claim 17 at all, much less "with respect to the intended audience".

**16. Contrarian Invention:** Claim 17 is contrary to the teachings of Martinez. Claim 17 and its "said dictionary element is presented with respect to the intended audience" goes against the grain of what Martinez teaches. Martinez teaches the very different and substantially less useful "**items similar** to the target item" that is uniform and homogeneous regardless of any audience. Martinez does **not** teach the "audience" of claim 17 at all, much less "with respect to the intended audience". Thus claim 17 is a contrarian invention to Martinez.

**17. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez that could be made only in hindsight. Martinez clearly does **not** teach the "audience" of claim 17 at all, much less "with respect to the intended audience."

**18. New Principle of Operation:** Claim 17 utilizes a new principle of operation. Claim 17 utilizes a new principle of operation in "said dictionary element is presented **with respect to the intended audience.**" The new principle of operation of claim 17 is not taught by Martinez and the prior art as of the applicant's filing date. The applicant has blazed a trail, rather than followed one.

**19. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 17 as a whole, including its differences over Martinez, would have been obvious. Martinez clearly does **not** teach the new, unexpected results in claim 17 of an "audience" anywhere in his invention, much less "with respect to the intended audience."

**From the reasons discussed**, the applicant submits that claim 17 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration.

Accordingly the applicant submits that dependent claim 17 is a fortiori patentable and should also be allowed.

**The Rejection of Claim 18 on Martinez**

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding applicant's claim 18, "Martinez et al. show a method... wherein said pop up digital spaces can present a plurality of said pop up digital spaces (Fig. 13),".

**A Review of the Reference of Martinez:** Martinez provides a recursive search process and a recursive annotation function to search a database for "items similar to the target item". The "items similar" may be selected to insert, or replace the target item, in the main application.

**The Dependent Claim 18 is Currently Amended Under § 112**

Claim 18 is in currently amended status, which recites:

"The method of Claim 11 ~~wherein~~ further including said pop up digital ~~spaces~~ space can present a plurality of said pop up digital ~~spaces~~ space."

Claim 18 is currently amended in the following ways with the accompanying reasons:

**1.** The "wherein" is deleted before "said pop up" and replaced with "further including" to make 18 clear, precise and logical under § 112, second paragraph because additional parts are added.

**2.** The "spaces" is deleted before "can present" and replaced with "space" to make claim 18 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**3.** The "spaces" is deleted at the end and replaced with "space" to make claim 18 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**The applicant submits that claim 18** is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable. No new matter has been added and the added subject matter is supported in the applicant's specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended dependent claim 18 under 35 U.S.C. § 112.

**The Rejection of Claim 18 on Martinez Overcome Under § 102**

Claim 18 recites in clean copy form: "The method of Claim 11 further including said pop up digital space can present a plurality of said pop up digital space."

The reasons that claim 18 is novel over Martinez include those from referred independent claim 11 as discussed in the above heading of "The Rejection of Independent Claim 11 on Martinez Overcome Under § 102".

The applicant respectfully disagrees that Martinez at (Fig. 13) describes claim 18 for the following reason:

1. As mentioned the O.A. states, regarding Martinez and applicant's claim 18, "(Fig. 13)". Martinez shows at his (Fig. 13), a flowchart with the first step of "start pop-up display function". As Martinez explains at (col. 2, In 57-61), "A better understanding of the present invention can be obtained when the following detailed description is considered in conjunction with the following drawings. The use of the same reference symbols in different drawings indicates similar or identical items."

Martinez describes, regarding his (Fig. 13), at (col. 7, In 15-45), "FIG. 13 is a flow chart illustrating an example of a **recursive pop-up display function**, according to the teachings of the present invention. The pop-up display function starts at block 1310. Typically this will involve the pop-up display function being called by the annotation function in FIG. 11 (see the description of FIG. 11, block 1180). At block 1320, the pop-up display function gets a list of items from a database, that are similar to a target item; this list of similar items may be generated by a lookup function such as the one in FIG. 12. At block 1330, this list of similar items is displayed in a pop-up window, near a target item's position in a user interface of a main application. At block 1340, an annotation function starts inside the pop-up window. Typically this will involve calling a recursive annotation function (see FIG. 11). Typically this will involve a sequence of function calls in which the recursive pop-up display function may be called again. At block 1350, the pop-up display function waits. At this point, a user may select a similar item from the database for use in the main application; if not, the "No" branch is taken at decision 1360, and the process continues waiting at block 1350. If a user selects a similar item from the database for use in the main application, the "Yes" branch is taken at decision 1360, and the process provides the similar item for use at block 1370. In this example, the selected item is inserted in place of an original item in a main application. This might involve inserting a word with a word processor, as in FIGS. 8-9. On the other hand, this might involve placing an order to buy an item with a purchasing application, or utilizing an image with a graphics application, for example. After dismissing the pop-up window at block 1380, the recursive pop-up display function terminates at block 1390."

Thus Martinez describes, regarding his (Fig. 13), a recursive pop-up display function that gets a

list of similar items to a target item, then continually waiting indefinitely in a repeating flowchart loop at the "wait" block, or when one of the similar items is selected the step of inserting the selected item in place of an original item in a main application, or when the "Done" block is reached "the recursive pop-up display function terminates".

Claim 18 and its "said pop up digital space can present **a plurality of said pop up digital space**" is novel over Martinez and his "a **recursive** pop-up display function".

Thus claim 18 recites novel physical features that distinguish over Martinez from the aforementioned O.A. statement.

**Therefore** from the reason discussed, the applicant submits that claim 18 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Dependent Claim 18 Is A Fortiori Patentable Over Martinez**

Dependent claim 18 incorporates all the subject matter of independent claim 11 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 18 incorporates all the limitations of independent claim 11, claim 18 is patentable for the same reasons given with respect to claim 11. Claim 18 is even more patentable because it adds additional elements.

Claim 18 recites: "The method of Claim 11 further including said pop up digital space can present a plurality of said pop up digital space."

The new and unexpected results that flow from the novel physical features of claim 18 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 18 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items,

a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 18 is simpler than Martinez without loss of capability. Claim 18 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Ease of Production:** Claim 18 recites: "further including said pop up digital space can present a plurality of said pop up digital space." Claim 18 and its "a plurality of said pop up digital space" are vastly easier and cheaper to produce than Martinez. Instead Martinez teaches a complicated recursive search process, a repeating recursive annotation function, and a repeating recursive pop up display function that needs very significant programming to produce. Thus the ease of production result of claim 18 is very different than Martinez.

**3. Novelty:** Claim 18 has a novelty result over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. Claim 18 and its "a plurality of said pop up digital space" is novel over Martinez and his repeating "recursive pop up display function". Hence the novelty result of claim 18 is very different than Martinez.

**4. Obviation of Specific Disadvantages of an Existing Invention:** Martinez teaches a specific disadvantage in light of claim 18. Claim 18 obviates a specific disadvantage of Martinez because his invention teaches the specific and limiting recursive pop-up display function. In addition Martinez teaches the specific and limiting recursive search process and a recursive annotation function. Claim 18 has the advantage of presenting "a plurality of said pop up digital space" without the specific and limiting "recursive" of Martinez that works by repeating his specific processes and functions. Thus claim 18 has an advantage that overcomes the specific disadvantages of Martinez.

**5. Operability:** Claim 18 and its "a plurality of said pop up digital space" will likely work readily as demonstrated by working models. The ready operability result of claim 18 is very different than Martinez. Martinez requires a complicated repeating recursive pop-up display function that works with a recursive search process and a recursive annotation function, among other numerous elements that needs very significant programming to be workable. The

numerous elements of Martinez are discussed in the above subheading "1) Omission of Elements: ". Thus Martinez has a substantially less ready operability result than claim 18.

**6. Development:** Claim 18 recites: "a plurality of said pop up digital space." Claim 18 per se is already designed for the market because it's simple plurality of pop up space will not require significant development. The development of claim 18 is demonstrated in working models that took about 2 hours to produce. The models were produced using standard low cost software, a laptop computer, and a few techniques.

The development result of claim 18 is very different than Martinez because his more complex invention requires numerous parts and steps to develop. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez requires significantly more development than claim 18 such as additional programming and appearance work.

**7. Prototype Availabilty:** Claim 18 has prototypes available and demonstrated in working models. The prototypes of claim 18 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**8. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 18.

The O.A. states, regarding Martinez and applicant's claim 18, "wherein said pop up digital spaces can present a plurality of said pop up digital spaces (Fig. 13),".

Martinez shows in his (Fig. 13), a recursive pop-up display function that continually waits in a repeating flowchart loop, or when one of the similar items is selected a replacement step, or being terminated. Claim 18 and its "said pop up digital space present a plurality of said pop up digital space" is very different than a recursive pop-up display function of Martinez's (Fig. 13).

Hence Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 18.

**9. Poor Reference:** Martinez is a poor reference of claim 18. This is because Martinez and his repeating recursive pop-up display function is vague, foreign and conflicting to claim 18 and its "said pop up digital space can present a plurality of said pop up digital space." Thus Martinez is

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vague, foreign and conflicts with claim 18, and therefore is a weak reference and should be construed narrowly.

**10. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. Martinez clearly does **not** teach "a plurality of pop up digital space" of claim 18, much less any pop-ups, pop-up spaces, pop-up digital spaces, pop-up displays, and pop-up windows anywhere in his invention. Instead Martinez teaches a repeating recursive pop-up display function.

**11. Contrarian Invention:** Claim 18 is contrary to the teachings of Martinez. Claim 18 and it's "a plurality of pop up digital space" goes against the grain of Martinez and his repeating recursive pop-up display function. Thus claim 18 has a contrarian result that is very different than Martinez.

**12. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez that could be made only by hindsight. Martinez clearly does **not** teach "a plurality of pop up digital space" of claim 18, much less any pop-ups, pop-up spaces, pop-up digital spaces, pop-up displays, and pop-up windows anywhere in his invention. Instead Martinez teaches a repeating recursive pop-up display function.

**13. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 18 as a whole, including its differences over Martinez, would have been obvious. Martinez clearly does **not** teach "a plurality of pop up digital space" of claim 18, much less any pop-ups, pop-up spaces, pop-up digital spaces, pop-up displays, and pop-up windows anywhere in his invention. Instead Martinez teaches a repeating recursive pop-up display function.

**From the reasons discussed**, the applicant submits that claim 18 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration.

Accordingly the applicant submits that dependent claim 18 is a fortiori patentable and should also be allowed.

**The Rejection of Claim 21 on Martinez**

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding applicant's claim 21, "Martinez et al. show a method... further including various images presented in said pop up digital spaces that are from a sources that includes professional works (claims 2-4),".

Claim 21 is in canceled status.

**The Rejection of Claim 22 on Martinez**

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding applicant's claim 22, "Martinez et al. show a method... further including a computer machine that evolved to present said dictionary elements for said word or phrase in said pop up digital spaces (Fig. 13),".

Claim 22 is in canceled status.

**The Applicant's Claim 23**

The applicant respectfully points out that the O.A. has not mentioned the claim 23. Nevertheless claim 23 is in canceled status.

**The Rejection of Claim 24 on Martinez**

The O.A. states at #5: "Claims 11-18,21,22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned the O.A. states, regarding a claim 24, "Martinez et al. show a method... wherein said cursor includes a mouse click selection method or touchscreen selection method (col. 5, In 30-35)."

The applicant respectfully points out that there is no claim 24 from applicant's amendment A.

**The Rejection of Claims 19 and 20 on Martinez Overcome Under § 103**

The O.A. states at #7: "Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (cited above).

In regard to claims 19 and 20, Martinez et al. show the method discussed above. They do not specifically show that a language used in said pop up digital spaces can be different from the language used in said text or be a multitude of languages. The Examiner takes Official Notice that one of ordinary skill in the art would know that a language translator feature could be added

to an electronic dictionary. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

**The Rejection of Claim 19 on Martinez**

The O.A. states at #7: "Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (cited above)."

As mentioned the O.A. states, regarding applicant's claim 19, "Martinez et al. show the method discussed above. They do not specifically show that a language used in said pop up digital spaces can be different from the language used in said text... The Examiner takes Official Notice that one of ordinary skill in the art would know that a language translator feature could be added to an electronic dictionary. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

**A Review of the Reference of Martinez:** Martinez provides a recursive search process and a recursive annotation function to search a database for "items similar to the target item". The "items similar" may be selected to insert, or replace the target item, in the main application.

**The Dependent Claim 19 is Currently Amended Under § 112**

Claim 19 is in currently amended status, which recites:

"The method of Claim 11 ~~wherein~~ further including a language used in said pop up digital ~~spaces~~ space can be different from the language used in said text."

Claim 19 is currently amended in the following ways with the accompanying reasons:

**1.** The "wherein" is deleted before "a language" and replaced with "further including" to make 19 clear, precise and logical under § 112, second paragraph because additional parts are added.

**2.** The "spaces" is deleted before "can be different" and replaced with "space" to make claim 19 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**The applicant submits that claim 19** is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable. No new matter has been added and the added subject matter is supported in the applicant's specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended dependent claim 19 under 35 U.S.C. § 112.

**Dependent Claim 19 Is A Fortiori Patentable Over Martinez**

Dependent claim 19 incorporates all the subject matter of independent claim 11 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 19 incorporates all the limitations of independent claim 11, claim 19 is patentable for the same reasons given with respect to claim 11. Claim 19 is even more patentable because it adds additional elements.

Claim 19 recites in clean copy form: "The method of Claim 11 further including a language used in said pop up digital space can be different from the language used in said text."

The new and unexpected results that flow from the novel physical features of claim 19 are discussed in the following reasons:

**1. Miscellaneous:** The applicant respectfully disagrees that "Martinez et al. show the method discussed above." The applicant's reasons are discussed above for claims 11-18.

In addition "a language translator feature" is very different than claim 19 and its "a language used in said pop up digital space can be **different** from the language used in said text."

Thus the miscellaneous results of claim 19 are very different than Martinez.

**2. Obviation of a Specific Disadvantage of an Existing Invention:** Claim 19 recites: "further including a language used in said pop up digital space can be different from the language used in said text."

Claim 19 obviates a specific disadvantage of Martinez and the added "a language translator". Since Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus claim 19 and its advantage of providing the consistent "a language used in said pop up digital space can be different from the language used in said text" overcomes the absurd and nonsensical specific disadvantage of Martinez and the added "a language translator".

**3. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 19 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 19 is simpler than Martinez without loss of capability.

**4. Novelty:** Claim 19 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 19 are very different than Martinez and all previously known counterparts as of the applicant's filing date.

Claim 19 and its "a language used in said pop up digital space can be **different** from the language used in said text" is novel over Martinez and the added "a language translator". This is because Martinez uses his "**items similar**" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result.** Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application.

In addition Martinez does **not** teach claim 19 and its two **different** languages anywhere in his invention. Hence claim 19 has novelty results over Martinez and the added "a language translator".

**5. Social Benefit:** Claim 19 provides a greater social benefit than Martinez because education is important. Claim 19 and its "a language used in said pop up digital space can be different from the language used in said text" has more educational value than Martinez and his substantially

less useful "**items similar** to the target item" in a translated language. In fact Martinez does **not** teach an educational result at all.

In addition since Martinez uses his "**items similar**" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that is not educational. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the social benefit result of claim 19 is very different than Martinez and the added "a language translator".

**6. Salability:** Claim 19 likely is easier to sell and market than Martinez because the two different languages of the claim are common to many people of different languages, is educational, and meets the everyday needs of the market. Martinez does **not** teach an educational result at all. Instead since Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. This likely has practically a no salability result. Thus salability of claim 19 is very different than Martinez and the added "a language translator".

**7. Appearance:** Claim 19 provides a better appearing design than Martinez because the claim shows "a language used in said pop up digital space can be different from the language used in said text." In contrast Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical design**. Such a design shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the appearance result of claim 19 is very different than Martinez and the added "a language translator".

**8. Precision:** Claim 19 operates and provides greater precision than Martinez because the claim shows "a language used in said pop up digital space can be different from the language used in said text." Instead since Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, this shows an

absurd and nonsensical result **that is imprecise.** This is because such a result shows a line of text in the original language of the main application with the **"items similar"** in a translated language that was inserted, or that replaced an item, with the original language of the main application. This is far less precise than the two different languages in the method of claim 19. Thus the precision result of claim 19 is very different than Martinez and the added "a language translator".

**9. Market Size:** Claim 19 likely has a larger market size than Martinez because the two different languages of the claim are common to many people of different languages and meets the needs of this large market. Instead Martinez uses his **"items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result.** Such a result shows a line of text in the original language of the main application with the **"items similar"** in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the market size result of claim 19 is very different than Martinez and the added "a language translator" because his "absurd and nonsensical" result likely has practically no market, much less a market of any size.

**10. Quality:** Claim 19 produces a high quality output because its two different languages provide a richer quality than one language. In contrast Martinez uses his **"items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that does not have a high quality. Such a result shows a line of text in the original language of the main application with the **"items similar"** in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the quality result of claim 19 is very different than Martinez and the added "a language translator".

**11. Markup:** Claim 19 is different, novel, and innovative because it provides two different languages in a unique method using a pop up digital space and a text. The two different languages are common to many people of different languages. Hence claim 19 can command a very high markup, a distinct selling advantage. In contrast Martinez uses his **"items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that has no markup. Such a result

shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the markup result of claim 19 is very different than Martinez and the added "a language translator".

**12. New Use:** Claim 19 has discovered a new use for two different languages in its unique method. Claim 19 provides the new use of presenting a first language in the text, and a second different language in a pop up digital space. The new use result of claim 19 is very different than Martinez and the added "a language translator" because it fails to show the new use.

**13. Long Life Cycle:** Claim 19 has a potentially long life cycle that can be made and sold for many years because its two different languages are passed from generation to generation. This is an obvious strong advantage. Instead Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that does not have a long life cycle. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the long life cycle result of claim 19 is very different than Martinez and the added "a language translator".

**14. Satisfies Existing Need:** Claim 19 satisfies an existing and recognized need. The two different languages of claim 19 are common to many people of different languages and will satisfy the everyday needs of people. Instead Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that does not satisfy an existing need. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the existing need result of claim 19 is very different than Martinez and the added "a language translator".

**15. Compatibility:** Claim 19 is likely to be compatible with existing patterns of use because a text and a pop up digital space are frequently used. In addition claim 19 is likely to be compatible with existing customs because its two different languages is common to many people to learn more about a different language. In contrast Martinez uses his "**items similar** to the

target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an incompatible result that is absurd and nonsensical.** Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the compatibility result of claim 19 is very different than Martinez and the added "a language translator".

**16. Combination Product:** Claim 19 is a combination product because the two different languages presented in a pop up digital space and in the text groove well together. Instead Martinez combines his "**items similar** to the target item" with "a language translator" to insert them or use them for replacement in the main application. This shows **an absurd and nonsensical result** that does not groove well together. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the combination product result of claim 19 is very different than Martinez and the added "a language translator".

**17. Broad Patent Coverage Available:** Claim 19 likely will have broad patent coverage available if allowed and this will affect profitability. Claim 19 uses a language in the text that is different from the language used in a pop up digital space. Since claim 19 is the only source which performs its certain, unique functions, the claim will be able to charge more than if it were in a competitive situation. Martinez and the added "a language translator" does **not** teach claim 19 and it's certain, unique functions. Thus the broad coverage result of claim 19 is very different than Martinez and the added "a language translator".

**18. High Sales Anticipated:** Claim 19 per se can anticipate a high sales volume because its two different languages are common to many people of different languages and meets the everyday needs of people. In contrast Martinez's invention likely will not anticipate a high sales volume because he shows **an absurd and nonsensical result.** Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus high sales anticipated result of claim 19 is very different than Martinez and the added "a language translator".

**19. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 19 will appeal to young people because computers are popular with this market. Claim 19 and its "a language used in said pop up digital space can be **different** from the language used in said text" are very useful for young people to learn more about a different language. The two different languages of claim 19 are important for the purposes of education. The multilingual result of claim 19 is valuable because higher education is often a priority of young people. Claim 19 likely will command more sales of the youth market than Martinez and the added "a language translator". In fact Martinez does **not** teach an educational result at all.

In addition Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that is not useful to the youth market, much less any market. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the youth market result of claim 19 is very different than Martinez and the added "a language translator".

**20. Synergism:** The result achieved by claim 19 of two different languages is greater than the sum of the separate results of its parts of "said text" and "said pop up digital space". The parts of claim 19 cooperate together to increase the overall learning of a different language, a synergistic effect. The synergism result of claim 19 is very different than Martinez and the added "language translator" because it shows a different synergism result that is **absurd and nonsensical.** Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Hence Martinez does **not** teach the synergism in claim 19 of increasing the overall learning of a different language. Thus the synergism result of claim 19 is very different than Martinez and the added "a language translator".

**21. Different Combination:** The combination of claim 19 is very different than Martinez. Claim 19 shows the combination of "a language used in said pop up digital space can be different from the language used in said text." In contrast Martinez shows the different

combination of using his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the original language of the main application.

**22. Crowded Art:** The method of claim 19 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 19 produces the small step forward of "a language used in said pop up digital space can be different from the language used in said text." In contrast Martinez provides the very different small step forward of using his "**items similar** to the target item" in a translated language to insert them, or use them for replacement, with the original language of the main application, which is an absurd and nonsensical result. Thus the crowded art result of claim 19 is very different than Martinez and the added "a language translator".

**23. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in the following manner required to meet claim 19. Claim 19 recites "further including a language used in said pop up digital space can be different from the language used in said text."

The O.A. states "Martinez et al. show the method discussed above. They do not specifically show that a language used in said pop up digital spaces can be different from the language used in said text... The Examiner takes Official Notice that one of ordinary skill in the art would know that a language translator feature could be added to an electronic dictionary. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result.** Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus Martinez and the added "a language translator" that shows the absurd and nonsensical result is an unsuggested modification to meet claim 19.

**24. Poor Reference:** The invention of Martinez is entirely foreign to claim 19 because as the O.A. states "Martinez et al….do not specifically show that a language used in said pop up digital spaces can be different from the language used in said text". In addition Martinez and the added

"a language translator" is vague, foreign and conflicting to claim 19. This is because Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus Martinez and the added "a language translator" is vague, entirely foreign to, and conflicts with claim 19, and therefore is a weak reference and should be construed narrowly.

**25. Ancient Suggestion:** The suggestion in the O.A. of "one of ordinary skill in the art would know that a language translator feature could be added to" Martinez's invention is many years old and produces greatly inferior results. The greatly inferior results are that Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Instead claim 19 shows the result of "a language used in said pop up digital space can be different from the language used in said text." Thus the ancient suggestion regarding Martinez and the added "a language translator" is very different than claim 19.

**26. Lack of Implementation:** If claim 19 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented the claim as of the applicant's filing date. In addition Martinez and the added "a language translator" was not implemented as of the applicant's filing date. Claim 19 shows "a language used in said pop up digital space can be different from the language used in said text." The fact that Martinez and those skilled in the art have not implemented claim 19, despite its great advantages, indicates that it is not obvious.

**27. Contrarian Invention:** Claim 19 is contrary to the teachings of Martinez and the added "a language translator". Claim 19 shows "a language used in said pop up digital space can be different from the language used in said text." Instead Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main

application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the **"items similar"** in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus claim 19 goes against the grain of Martinez and the added "a language translator" with it's **absurd and nonsensical result**.

**28. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez and the added "a language translator" because it clearly does not show claim 19 and it's "further including a language used in said pop up digital space can be different from the language used in said text." Instead Martinez uses his **"items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the **"items similar"** in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus Martinez and the added "a language translator" is a strained interpretation of claim 19.

**29. Solved Different Problem:** Claim 19 solves a different problem than Martinez, and such different problem is recited in the claim. Claim 19 recites "further including a language used in said pop up digital space can be different from the language used in said text." Thus claim 19 solves the educational problem of learning more about a different language.

Martinez solves the very different problem of providing the substantially less useful **"items similar** to the target item to the target item" in a translated language. Furthermore Martinez and the added "a language translator" uses the **"items similar"** in a translated language to insert them or use them for replacement in the main application which is **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the **"items similar"** in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus Martinez and the added "a language translator" does **not** teach solving an educational problem at all.

**30. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 19 as a whole, including its differences over Martinez and the added "a language translator", would have been obvious. Martinez clearly does **not** teach claim 19 and its "a language used in said pop up digital space can be different from the language used

in said text." This is because Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus Martinez clearly does **not** teach the new results of claim 19.

**From the reasons discussed**, the applicant submits that claim 19 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration.

Accordingly the applicant submits that dependent claim 19 is a fortiori patentable and should also be allowed.

**The Rejection of Claim 20 on Martinez**

The O.A. states at #7: "Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (cited above)."

As mentioned the O.A. states, regarding applicant's claim 20, "Martinez et al. show the method discussed above. They do not specifically show...a multitude of languages. The Examiner takes Official Notice that one of ordinary skill in the art would know that a language translator feature could be added to an electronic dictionary. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

**A Review of the Reference of Martinez:**  Martinez provides a recursive search process and a recursive annotation function to search a database for "items similar to the target item". The "items similar" may be selected to insert, or replace the target item, in the main application.

**The Dependent Claim 20 is Currently Amended Under § 112**

Claim 20 is in currently amended status, which recites:

"The method of Claim 11 ~~wherein~~ further including a language used in said pop up digital ~~spaces~~ space and ~~said~~ the language used in said text can be a multitude of languages."

Claim 20 is currently amended in the following ways with the accompanying reasons:

**1.** The "wherein" is deleted before "a language" and replaced with "further including" to make 20 clear, precise and logical under § 112, second paragraph because additional parts are added.

**2.** The "spaces" is deleted before "and said language" and replaced with "space" to make claim 20 clear and precise under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**3.** The "said" is deleted before "language used" and replaced with the article "the" to make claim 20 clear, precise and logical under § 112, second paragraph, and to broaden the claim in concise language under § 112.

**The applicant submits that claim 20** is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable. No new matter has been added and the added subject matter is supported in the applicant's specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended dependent claim 20 under 35 U.S.C. § 112.

**Dependent Claim 20 Is A Fortiori Patentable Over Martinez**

Dependent claim 20 incorporates all the subject matter of independent claim 11 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 20 incorporates all the limitations of independent claim 11, claim 20 is patentable for the same reasons given with respect to claim 11. Claim 20 is even more patentable because it adds additional elements.

Claim 20 recites in clean copy form: "The method of Claim 11 further including a language used in said pop up digital space and the language used in said text can be a multitude of languages."

The new and unexpected results that flow from the novel physical features of claim 20 are discussed in the following reasons:

**1. Miscellaneous:** The applicant respectfully disagrees that "Martinez et al. show the method discussed above." The applicant's reasons are discussed above for claims 11-18.

In addition claim 20 provides options. For example, one option is that the language used in a pop up digital space shows a different language as well as the same language used in the text.

This option allows for a mix of two different languages that are presented in a pop up digital space, to make learning a different language easy and convenient. Martinez does **not** teach the options result of claim 20. Thus the miscellaneous results of claim 20 are very different than Martinez.

**2. Obviation of a Specific Disadvantage of an Existing Invention:** Claim 20 recites: "further including a language used in said pop up digital space and the language used in said text can be a multitude of languages." Claim 20 obviates a specific disadvantage of Martinez and the added "a language translator". Since Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, this shows **an absurd and nonsensical result.** Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application.

Thus claim 20 and its advantage of providing "a language used in said pop up digital space and the language used in said text can be a multitude of languages" overcomes the absurd and nonsensical specific disadvantage of Martinez and the added "a language translator".

**3. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 20 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 20 is simpler than Martinez without loss of capability.

Lee DeGross   Appn. Number 10/081,579   Exam. Group/Art Unit 2626   Amnt. B contd.

**4. Novelty:** Claim 20 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 20 are very different than Martinez and all previously known counterparts as of the applicant's filing date. Claim 20 and it's "**a multitude of languages**" is novel over Martinez and the added "a language translator". This is because Martinez uses his "**items similar**" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application.

In addition Martinez does **not** teach claim 20 and it's "**a multitude of languages**" anywhere in his invention. Hence claim 20 has novelty results over Martinez and the added "a language translator".

**5. Social Benefit:** Claim 20 provides a greater social benefit than Martinez because education is important. Claim 20 and its "a language used in said pop up digital space and the language used in said text can be a multitude of languages" has more educational value than Martinez and his substantially less useful "**items similar** to the target item" in a translated language. In fact Martinez does **not** teach an educational result at all.

In addition since Martinez uses his "**items similar**" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that is not educational. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the social benefit result of claim 20 is very different than Martinez and the added "a language translator".

**6. Salability:** Claim 20 likely is easier to sell and market than Martinez because a multitude of languages of the claim are common to many people and meets the everyday needs of the market. Instead since Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. This likely has practically a no

salability result. Thus salability of claim 20 is very different than Martinez and the added "a language translator".

**7. Appearance:** Claim 20 provides a better appearing design than Martinez because the claim shows "a language used in said pop up digital space and the language used in said text can be a multitude of languages." In contrast Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical design.** Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the appearance result of claim 20 is very different than Martinez and the added "a language translator".

**8. Precision:** Claim 20 operates and provides greater precision than Martinez because the claim shows "a language used in said pop up digital space and the language used in said text can be a multitude of languages." Instead since Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, this shows an absurd and nonsensical result **that is imprecise.** This is because such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. This is far less precise than the multitude of languages in the method of claim 20. Thus the precision result of claim 20 is very different than Martinez and the added "a language translator".

**9. Market Size:** Claim 20 likely has a larger market size than Martinez because a multitude of languages of the claim are common to many people and meets the needs of this large market. Instead Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result.** Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the market size result of claim 20 is very different than Martinez and the added "a language translator" because his "absurd and nonsensical" result likely has practically no market, much less a market of any size.

**10. Quality:** Claim 20 produces a high quality output because it's a multitude of languages provides a richer quality than one language. In contrast Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that does not have a high quality. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the quality result of claim 20 is very different than Martinez and the added "a language translator".

**11. Markup:** Claim 20 is different, novel, and innovative because it provides a multitude of languages in a unique method using a pop up digital space and a text. The multitude of languages is common to many people. Hence claim 20 can command a very high markup, a distinct selling advantage. In contrast Martinez uses his "**items similar** to the target item" in a . translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that has no markup. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the markup result of claim 20 is very different than Martinez and the added "a language translator".

**12. New Use:** Claim 20 has discovered a new use for a multitude of languages in its unique method. Claim 20 provides the new use of presenting a multitude of languages in the text and in a pop up digital space. The new use result of claim 20 is very different than Martinez and the added "a language translator" because it fails to show the new use.

**13. Long Life Cycle:** Claim 20 has a potentially long life cycle that can be made and sold for many years because its multitude of languages is passed from generation to generation. This is an obvious strong advantage. Instead Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that does not have a long life cycle. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the

main application. Thus the long life cycle result of claim 20 is very different than Martinez and the added "a language translator".

**14. Satisfies Existing Need:** Claim 20 satisfies an existing and recognized need. The multitude of languages of claim 20 is common to many people and will satisfy the everyday needs of people. Instead Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that does not satisfy an existing need. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the existing need result of claim 20 is very different than Martinez and the added "a language translator".

**15. Compatibility:** Claim 20 is likely to be compatible with existing patterns of use because a text and a pop up digital space are frequently used. In addition claim 20 is likely to be compatible with existing customs because it's "a multitude of languages" is common to practically all people. In contrast Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an incompatible result that is absurd and nonsensical.** The result shows a line of text in the language of the main application with the "**items similar**" in a translated language that was inserted or that replaced an item in the main application. Thus the compatibility result of claim 20 is very different than Martinez and the added "a language translator".

**16. Combination Product:** Claim 20 is a combination product because its "a multitude of languages" presented in a pop up digital space and in the text groove well together. Instead Martinez combines his "**items similar** to the target item" with "a language translator" to insert them or use them for replacement in the main application. This shows **an absurd and nonsensical result** that does not groove well together. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the combination product result of claim 20 is very different than Martinez and the added "a language translator".

**17. Broad Patent Coverage Available:** Claim 20 likely will have broad patent coverage available if allowed and this will affect profitability. Claim 20 shows a multitude of languages in a text and in a pop up digital space. Since claim 20 is the only source which performs its certain, unique functions, the claim will be able to charge more than if it were in a competitive situation. Martinez and the added "a language translator" does **not** teach claim 20 and it's certain, unique functions. Thus the broad coverage result of claim 20 is very different than Martinez and the added "a language translator".

**18. High Sales Anticipated:** Claim 20 per se can anticipate a high sales volume because it's "a multitude of languages" are common to many people and meets the everyday needs of people. In contrast Martinez's invention likely will not anticipate a high sales volume because he shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar** to the target item" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus high sales anticipated result of claim 20 is very different than Martinez and the added "a language translator".

**19. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 20 will appeal to young people because computers are popular with this market. Claim 20 and its "a multitude of languages" are very useful for young people to learn about many languages. The multitude of languages of claim 20 is important for the purposes education. The multilingual result of claim 20 is valuable because higher education is often a priority of young people. Claim 20 likely will command more sales of the youth market than Martinez and the added "a language translator". Martinez does **not** teach an educational result at all. Instead Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result** that is not useful to the youth market, much less any market. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus the youth market result of claim 20 is very different than Martinez and the added "a language translator".

**20. Synergism:** The results achieved by claim 20 of a multitude of languages are greater than the sum of the separate results of its parts of "said text" and "said pop up digital space". The parts of claim 20 cooperate together to increase the overall learning of a multitude of languages, a synergistic effect. The synergism results of claim 20 are very different than Martinez and the added "language translator" because it shows a different synergism result that is **absurd and nonsensical**. Such a result shows a line of text in the original language of the main application with the "**items similar** to the target item" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Hence Martinez does **not** teach the synergism in claim 20 of increasing the overall learning of a multitude of languages. Thus the synergism results of claim 20 is very different than Martinez and the added "a language translator".

**21. Different Combination:** The combination of claim 20 is very different than Martinez. Claim 20 shows the combination of "a language used in said pop up digital space and the language used in said text can be a multitude of languages." In contrast Martinez shows the different combination of using his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar** to the target item" in a translated language that was inserted, or that replaced an item, with the original language of the main application.

**22. Crowded Art:** The method of claim 20 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 20 produces the small step forward of "a language used in said pop up digital space and the language used in said text can be a multitude of languages." In contrast Martinez provides the very different small step forward of using his "**items similar** to the target item" in a translated language to insert them, or use them for replacement, with the original language of the main application which is an absurd and nonsensical result. Thus the crowded art result of claim 20 is very different than Martinez and the added "a language translator".

**23. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in the following manner required to meet claim 20. Claim 20 recites "further including

a language used in said pop up digital space and the language used in said text can be a multitude of languages."

The O.A. states "Martinez et al. show the method discussed above. They do not specifically show…a multitude of languages. The Examiner takes Official Notice that one of ordinary skill in the art would know that a language translator feature could be added to an electronic dictionary. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus Martinez and the added "a language translator" that shows the absurd and nonsensical result is an unsuggested modification to meet claim 20.

**24. Poor Reference:** The invention of Martinez is entirely foreign to claim 20 because as the O.A. states "Martinez et al.…do not specifically show…a multitude of languages." In addition Martinez and the added "a language translator" is vague, foreign and conflicting to claim 20. This is because Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus Martinez and the added "a language translator" is vague, entirely foreign to, and conflicts with claim 20, and therefore is a weak reference and should be construed narrowly.

**25. Ancient Suggestion:** The suggestion in the O.A. of "one of ordinary skill in the art would know that a language translator feature could be added to" Martinez's invention is many years old and produces greatly inferior results. The greatly inferior results are that Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original

language of the main application.  Instead claim 20 shows the result of "a language used in said pop up digital space and the language used in said text can be a multitude of languages."  Thus the ancient suggestion regarding Martinez and the added "a language translator" is very different than claim 20.

**26. Lack of Implementation:** If claim 20 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented the claim as of the applicant's filing date.  In addition Martinez and the added "a language translator" was not implemented as of the applicant's filing date.  Claim 20 shows "a language used in said pop up digital space and the language used in said text can be a multitude of languages."  The fact that Martinez and those skilled in the art have not implemented claim 20, despite its great advantages, indicates that it is not obvious.

**27. Contrarian Invention:** Claim 20 is contrary to the teachings of Martinez and the added "a language translator".  Claim 20 shows "a language used in said pop up digital space and the language used in said text can be a multitude of languages."  Instead Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**.  Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application.  Thus claim 20 goes against the grain of Martinez and the added "a language translator" with it's **absurd and nonsensical result**.

**28. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez and the added "a language translator" because it clearly does not show claim 20 and it's "further including a language used in said pop up digital space and the language used in said text can be a multitude of languages."  Instead Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**.  Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application.  Thus Martinez and the added "a language translator" is a strained interpretation of claim 20.

**29. Solved Different Problem:** Claim 20 solves a different problem than Martinez, and such different problem is recited in the claim. Claim 20 recites "further including a language used in said pop up digital space and the language used in said text can be a multitude of languages." Thus claim 20 solves the educational problem of learning more about a multitude of languages. Martinez solves the very different problem of providing the substantially less useful "**items similar** to the target item" in a translated language. Furthermore Martinez and the added "a language translator" uses the "**items similar**" in a translated language to insert them or use them for replacement in the main application which is **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus Martinez and the added "a language translator" does **not** teach solving an educational problem at all.

**30. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 20 as a whole, including its differences over Martinez and the added "a language translator", would have been obvious. Martinez clearly does **not** teach claim 20 and its "a language used in said pop up digital space and the language used in said text can be a multitude of languages." This is because Martinez uses his "**items similar** to the target item" in a translated language to insert them or use them for replacement in the main application, and this shows **an absurd and nonsensical result**. Such a result shows a line of text in the original language of the main application with the "**items similar**" in a translated language that was inserted, or that replaced an item, with the original language of the main application. Thus Martinez clearly does **not** teach the new results of claim 20.

**From the reasons discussed**, the applicant submits that claim 20 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration.

Accordingly the applicant submits that dependent claim 20 is a fortiori patentable and should also be allowed.

**A Review of the Reference of Martinez for New Claims 24-40:** Martinez provides a recursive search process and a recursive annotation function to search a database for "items similar to the

target item". The "items similar" may be selected to insert, or replace the target item, in the main application.

## New Independent Claim 24 is Submitted Under § 112

New independent claim 24 recites:

"A process of providing dictionary content for a word, comprising:

(a) using a computer,

(b) having a word displayed on a screen,

(c) providing a pop up digital space on said screen,

(d) providing a dictionary element for said word on said screen,

(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,

whereby the dictionary content is presented in a fast and convenient process for computer users."

The applicant submits that new claim 24 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 24 under 35 U.S.C. § 112.

## New Independent Claim 24 is Novel Over Martinez Under § 102

The applicant submits that claim 24 is novel over Martinez for the following reasons:

1. Claim 24 recites "(d) providing a dictionary element for said word on said screen,".

Martinez describes at (col. 4, In 27-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 24 and its "**dictionary element for said word**" is novel over Martinez and his "**items similar to the target item**".

Thus claim 24 recites novel physical features that distinguish over Martinez.

2. Claim 24 recites "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,".

Martinez describes at (col. 4, In 22-33), "Cursor 220 is positioned at the word "print," 210, in a line of text. This represents a line of text displayed by a main application such as a word processor or text editor. Responsive to the **cursor** 220's position, the invention identifies the word "print," 210, as a target item. The invention searches a database for items similar to the target item, and provides **an indicator**, 230, near word 210's position, to show the existence of similar items in said database. In this example, **indicator** 230 displays a number (15), showing how many of said similar items exist in said database. In this example, **indicator** 230 appears as a superscript number superimposed over a small translucent book icon."

Claim 24 and its "said pop up digital space to present **said dictionary element** for said word when **a cursor** is placed over said word" is a novel action over Martinez and his "**cursor's position**" that "provides **an indicator**".

Thus claim 24 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 24 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Claim 24 Produces New and Unexpected Results and Hence**

**is Unobvious and Patentable Over Martinez under § 103**

The applicant submits that the novel physical features of claim 24 are also unobvious and hence patentable under § 103 since they produce new and unexpected results over Martinez, or any combination thereof.

Independent claim 24 recites:

"A process of providing dictionary content for a word, comprising:

    (a) using a computer,

    (b) having a word displayed on a screen,

    (c) providing a pop up digital space on said screen,

    (d) providing a dictionary element for said word on said screen,          .

    (e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,

whereby the dictionary content is presented in a fast and convenient process for computer users."

The new and unexpected results that flow from the novel physical features of claim 24 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 24 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 24 is simpler than Martinez without loss of capability. Claim 24 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Speed:** Claim 24 is able to do a job faster than Martinez because the claim recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". Claim 24 requires the fast step of merely placing a cursor over a word to present a dictionary element. Claim 24 is a benefit because its speed advantage is important in digital innovations.

The speed result of claim 24 is very different than Martinez because he teaches at (col. 5, ln 44-58), "FIG. 8 illustrates one possible user interface display involving an example of the invention's selection process. In this example, the item at 810 ("certified copy") **is selected** (shown by cursor 520 pointing at item 810). Responsive to **a command for replacement** (the notation "click," 310) the invention replaces a first item (the word "print" at 410) with an item from the database, "certified copy" at 810. The notation "click," 310, signifies a user sending a command, by clicking a mouse button, or touching a touch-sensitive screen with a stylus, or using some other input device. On the other hand, a user could decide not to select any of the similar items at 710, but rather **utilize button** 450 as a way to exit the pop-up display."

Thus Martinez's at least 2 user selections make his invention much slower than claim 24. The speed of claim 24 is demonstrated in working models in which merely placing a cursor over a word is all that is required.

**3. Ease of Use:** Claim 24 is easier to use and learn than Martinez because the claim recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". Claim 24 shows an ease of use because it requires simply placing a cursor over a word to present a dictionary element. This ease of use advantage is especially important for a digital innovation like claim 24 because it enables a computer user to use the computer more facilely, and this counts a great deal.

The ease of use result of claim 24 is very different than Martinez because his invention is significantly harder to use and learn. Martinez, for example, requires at least 2 user selections and numerous parts, steps and functions to use and learn. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements:". The ease of use of claim 24 is demonstrated in working models in which simply placing a cursor over a word is all that is required to present a dictionary element.

**4. Novelty:** Claim 24 has novelty results over Martinez because the claim recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty result of claim 24 is very different than Martinez and all previously known counterparts as of the applicant's filing date. Claim 24 and its "**said dictionary element** for said word" is novel over Martinez and his "**items similar** to the target item".

In addition claim 24 and its cursor result of "said pop up digital space to present **said dictionary element** for said word when **a cursor** is placed over said word" is a novel over Martinez and his cursor result of "**cursor's position**" that "provides **an indicator**". Hence claim 24 has novelty results over Martinez.

**5. Convenience/Mechanization:** Claim 24 makes living easier and more convenient because the claim recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". Claim 24 is more convenient

than Martinez because the claim simply requires the single computerized step of placing a cursor over a word to present the dictionary element.

Instead Martinez's at least 2 user selections make his invention much less convenient than claim 24. In addition Martinez requires numerous parts, steps and functions that take much more time to use that is not convenient. The numerous element of Martinez are discussed in the above subheading "1. Omission of Elements: ". Hence the convenience and mechanization result of claim 24 is very different than Martinez.

**6. Social Benefit:** Claim 24 provides a greater social benefit than Martinez because education is important. Claim 24 and its **"dictionary element** for said word" has more educational value than Martinez and his less substantially useful **"items similar** to the target item".

Martinez does **not** teach the educational value of claim 24 because his invention assumes a user already understands the **"items similar"** in order to insert them or use them for replacement.

In fact Martinez does **not** teach an educational result at all. Thus the social benefit result of claim 24 is very different than Martinez.

**7. Salability:** Claim 24 is easier to sell and market than Martinez because the claim recites: "(d) providing a dictionary element for said word on said screen,". The salability of claim 24 is evident because, as of this amendment's date, products and services using the claim are already selling on the market. The companies using claim 24 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment.

The salability result of claim 24 is very different than Martinez. This is because claim 24 and it's **"dictionary element** for said word" has more educational value than Martinez and his substantially less useful **"items similar** to the target item". In addition the **"dictionary element** for said word" of claim 24 is common and popular to the everyday needs of people.

In fact Martinez does **not** teach an educational result at all. Thus the salability result of claim 24 is very different than Martinez.

**8. Precision:** Claim 24 provides greater precision than Martinez. Claim 24 and it's "**dictionary element** for said word" has substantially more precise information than Martinez and his imprecise "**items similar** to the target item".

**9. Market Size:** Claim 24 likely has a substantially larger market size than Martinez. Claim 24 recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". Claim 24 and its "**dictionary element** for said word" is common and popular to the everyday needs of people. Instead Martinez teaches his substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the market size result of claim 24 is very different than Martinez.

**10. Potential Competition:** Claim 24 recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". Claim 24 is demonstrated in working models that were so simple and easy to produce, that it took about 2 hours, with standard software and a laptop computer. Since claim 24 is so simple and popular that, as a result many imitators and copiers are likely to attempt to copy it, and design around it, and try to break the patent as soon as it is brought out.

The potential competition result of claim 24 is very different than Martinez because his invention has the substantially less useful "**items similar** to the target item". Also Martinez is substantially harder to produce with his lookup functions, recursive search processes, recursive annotation functions, and recursive pop-up display functions. As a result Martinez is not likely to be imitated or copied by potential competition.

**11. Quality:** Claim 24 provides a higher quality result than Martinez because the claim recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". Claim 24 and it's "**dictionary element** for said word" have substantially higher quality than Martinez and his imprecise "**items similar** to the target item". Thus the quality result of claim 24 is very different than Martinez.

**12. Obviation of a Specific Disadvantage of an Existing Invention:** Claim 24 recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,".

Martinez teaches at (col. 4, In 26-29), "The invention **searches a database** for items similar to the target item, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database. "

Martinez teaches at (col. 4, In 53-59), "Any one of the similar items at 430 may become a target item for the invention's **recursive search process**."

Martinez teaches at (col. 5, In 63-67), "FIGS. 2-9 show how the invention allows a user to **thoroughly search** a database for items to utilize in a main application, while minimizing the diversion of a user's attention away from the main application."

Thus Martinez requires the specific function of searching a database, especially in his recursive search process to "**thoroughly search a database**", and this is a specific disadvantage.

Claim11 is recited in broad terms so as not to be limited to searching a database, as Martinez teaches. As a result claim 24 has greater flexibility to present its "dictionary element", and this is an important advantage. Hence the flexibility advantage of claim 24 overcomes the specific disadvantage of Martinez. Claim 24 is demonstrated in working models that presents its dictionary element without a database.

**13. Long Life Cycle:** Claim 24 has a potentially long life cycle that can be made and sold for many years because its dictionary content is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising "**items similar** to the target item". Thus the long life cycle result of claim 24 is very different than Martinez.

**14. Satisfies Existing Need:** Claim 24 recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,".

Claim 24 will satisfy an existing, recognized need because it produces "**said dictionary element for a word**" in a fast, convenient, and unique process. The looking up of words in a dictionary, even with prior art computer dictionaries, remains a relatively time consuming, inconvenient, and boring task. Claim 24 and its dictionary element presented in a pop up digital space appear virtually instantaneously when a cursor is placed over a word.

The existing need result of claim 24 is very different than Martinez because he instead provides the substantially less useful "**items similar** to the target item".

**15. Development:** Claim 24 recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". Claim 24 per se is already designed for the market because its lean structure for providing its dictionary element will not require significant development. The development of claim 24 is demonstrated in working models that took about 2 hours to produce. The models were produced using standard low cost software, a laptop computer, and a few techniques.

The development result of claim 24 is very different than Martinez because his more complex invention requires numerous parts and steps to develop. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez requires significantly more development than claim 24 such as additional programming and appearance work.

**16. Inertia Need Not Be Overcome:** Claim 24 recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". Potential manufacturers, users, and sellers of claim 24 will not manifest inertia because, as of this amendment's date, products and services using the claim are already selling on the market. The companies using claim 24 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment. The inertia result of claim 24 is very different than Martinez because his "**items similar** to the target item" is substantially less useful and likely must overcome significant inertia.

**17. Minimal Learning Required:** People will have to undergo minimal or no learning in order to use claim 24 because the claim recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,".

Simply placing a cursor over a word of claim 24 is a strong advantage because it requires minimal or no learning to get the claim's dictionary element. Instead Martinez requires learning the intricacies of the lookup functions, recursive search processes, recursive annotation functions, and recursive pop-up display functions.

In addition Martinez requires numerous parts, steps and functions that take significantly more learning to use. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". The minimal learning of claim 24 is demonstrated in working models

in which simply placing a cursor over a word is all that is required.  A user of Martinez will need significantly more learning than claim 24.  Thus the minimal or no learning result of claim 24 is very different than Martinez.

**18. Easy to Promote:**  Claim 24 recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,".

Claim 24 solves the omnipresent problem of the slow, time consuming, and often boring task of looking up words in a dictionary, even in prior art computer dictionaries such as the cited reference of Bartleby.com.

In addition claim 24 per se and its fast process and high visibility makes it cheap and easy to market, and this is a clear advantage.  The easy to promote results of claim 24 are very different than Martinez.  Martinez's **"items similar** to the target item" is substantially less useful than the **"dictionary element** for said word" of claim 24.  Thus Martinez is likely harder to promote than claim 24.

**19. Presence of Market:**  Claim 24 recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,".

Claim 24 has a market that already exists because computers are ubiquitous and popular machines and its dictionary element have an everyday usefulness.  The presence of market of claim 24 is evident because, as of this amendment's date, products and services using the claim are already selling on the market.  The companies using claim 24 have been sent infringement notifications, and some have replied in acknowledgement.  One acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment.  The presence of market result of claim 24 is very different than Martinez because his **"items similar** to the target item" is substantially less useful.  Thus Martinez's presence of market is likely substantially less than claim 24.

**20. Combination Product:**  Claim 24 is a combination product because its "dictionary element" and "pop up digital space" groove well together.  The combination product result of claim 24 is very different than Martinez because he instead provides the substantially less useful **"items similar** to the target item" in pop-up windows.

**21. Prototype Availability:**  Claim 24 has prototypes available and demonstrated in working models.  The prototypes of claim 24 will make it far easier to market since potential purchasers

or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**22. Broad Patent Coverage Available:** Claim 24 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 24 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 24 performs the unique functions of "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". Claim 24 is very different than Martinez's broad patent coverage because he instead provides the unique "**items similar** to the target item".

**23. High Sales Anticipated:** Claim 24 per se can anticipate a high sales volume because its process of providing a "dictionary element" is very useful, convenient, cheap to produce, and easy to market. The high sales anticipated of claim 24 is evident because, as of this amendment's date, products and services using the claim are already selling in high volumes. The companies using claim 24 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales volumes from the same company are attached with the Rule 132 declaration that is submitted with this amendment. Claim 24 is very different than Martinez because his "**items similar** to the target item" is substantially less useful, less convenient, and is therefore harder to market. Thus Martinez's invention likely does not have a high sales anticipated result.

**24. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 24 will appeal to young people because computers are popular with this market. Claim 24 is very useful for young people to learn about a word. Claim 24 provides "**a dictionary element** for said word" in a fast and convenient process that helps the learning experience. Claim 24 is important for the purposes of education. Claim 24 is valuable because higher education is often a priority of young people. Claim 24 may command more sales of the youth market than the substantially less useful "**items similar** to the target item" of Martinez. Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach

targeting the youth market. Thus the youth market result of claim 24 is very different than Martinez.

**25. Unexpected Results:** The results achieved by claim 24 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because its dictionary element presented in a pop up digital space by simply placing a cursor over a word, did not exist as of the applicant's filing date. Martinez does **not** teach the unexpected results of claim 24.

**26. Crowded Art:** The process of claim 24 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 24 provides the small step forward of presenting a dictionary element in a pop up digital space when a cursor is simply placed over a word. This is a small step forward from Martinez. Martinez provides the very different small step forward of displaying the substantially less useful "**items similar** to the target item" in the crowded art of computers.

**27. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 24. Claim 24 recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,".

Martinez does **not** teach claim 24 and its "said **dictionary element** for said word". Instead Martinez teaches the "**items similar** to the target item".

Martinez does **not** teach claim 24 and it's "to present said dictionary element for said word **when a cursor is placed over said word**". Instead Martinez teaches "Responsive to the **cursor 220's position**" that "provides **an indicator**".

Thus claim 24 is very different than Martinez. Hence Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 24.

**28. Unappreciated Advantage:** Martinez and those skilled in the art never appreciated the advantages of claim 24 because the advantages did not exist as of the applicant's filing date, although it is inherent. Claim 24 provides the advantages of presenting a dictionary element in a unique process that is fast, convenient and educational. Martinez does **not** teach an educational advantage at all.

**29. Poor Reference:** Martinez is a poor reference of claim 24. This is because Martinez and his "**items similar** to the target item" are foreign and conflicting to claim 24 and it's "**dictionary**

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**element** for said word". Thus Martinez is foreign and conflicts with claim 24, and therefore is a weak reference and should be construed narrowly.

**30. Lack of Implementation:** Claim 24 recites: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". If claim 24 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented the claim as of the applicant's filing date. Claim 24 provides a dictionary element in a process that is fast, convenient and educational. The fact that Martinez and those skilled in the art have not implemented claim 24, despite its great advantages, indicates that it is not obvious.

**31. Solution of Long-Felt and Unsolved Need:** Claim 24 solves a long felt, long existing, but unsolved need. Claim 24 presents its **"dictionary element** for said word" in a faster and more convenient process than the prior art. The long existing need claim 24 addresses was not previously solved in such a unique and effective process. Martinez does **not** teach a solution to the need solved by claim 24. Instead Martinez solves the very different need of providing the very different and substantially less useful **"items similar** to the target item".

**32. Contrarian Invention:** Claim 24 is contrary to the teachings of Martinez. Claim 24 and it's **"dictionary element** for said word" go against the grain of what Martinez teaches with his **"items similar** to the target item". Thus the contrarian result of claim 24 is very different than Martinez and his substantially less useful result.

**33. New Principle of Operation:** Claim 24 utilizes a new principle of operation. The new principle of operation of claim 24 is not shown by Martinez and the prior art as of the applicant's filing date. Claim 24 utilizes a new principle of operation in: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,". The applicant has blazed a trail, rather than followed one.

**34. Solved Different Problem:** Claim 24 solves a different problem than Martinez, and such different problem is recited in the claim of: "(e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,".

Claim 24 solves an educational problem by presenting a dictionary element in a fast and convenient process. Instead Martinez solves the very different problem of providing the substantially less useful **"items similar** to the target item". Also Martinez assumes a user

already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach solving an educational problem at all.

**From the reasons discussed,** the applicant submits that independent claim 24 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103.

Accordingly, the applicant submits that independent claim 24 is allowable over Martinez and solicits allowance.

**New Dependent Claim 25 is Submitted Under § 112**

New dependent claim 25 recites:

"The process of Claim 24 wherein said dictionary element is a definition presented in said pop up digital space."

The applicant submits that new claim 25 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 25 under 35 U.S.C. § 112.

**New Dependent Claim 25 is Novel Over Martinez Under § 102**

Claim 25 recites: "The process of Claim 24 wherein said dictionary element is a definition presented in said pop up digital space."

The reasons that claim 25 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 25 recites novel reasons that distinguish over Martinez for the following reasons:

1. Claim 25 recites "wherein said dictionary element is **a definition** presented in said pop up digital space".

Instead Martinez describes at (col. 4, In 27-29), "The invention searches a database for **items similar** to the target item, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 25 and it's "**a definition**" is novel over Martinez and his "**items similar**".

Thus claim 25 recites novel physical features that distinguish over Martinez.

**2.** Claim 25 recites "wherein said dictionary element is **a definition** presented in said pop up digital space".

Martinez does **not** describe claim 25 and it's "**a definition**" anywhere in his invention.

Thus claim 25 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 25 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 25 Is A Fortiori Patentable Over Martinez**

Dependent claim 25 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 25 incorporates all the limitations of independent claim 24, claim 25 is patentable for the same reasons given with respect to claim 24. Claim 25 is even more patentable because it adds additional elements.

Claim 25 recites: "The process of Claim 24 wherein said dictionary element is a definition presented in said pop up digital space."

**For brevity's sake,** the reasons new claim 25 is unobvious over Martinez under § 103 are the same reasons from currently amended claim 12 as discussed in the above heading of "Dependent Claim 12 Is A Fortiori Patentable Over Martinez".

Claim 25 recites the same subject matter as currently amended claim 12 except:

the terms in claim 25 of:    "process", "Claim 24", "wherein", "is",

respectively, takes the place of the corresponding terms in claim 12 of:

"method", "Claim 11", "further including", "includes".

For clarification regarding both claims:

Claim 25 recites:

"The **process** of **Claim 24 wherein** said dictionary element **is** a definition presented in said pop up digital space."

Claim 12 in currently amended status recites:

"The **method** of **Claim 11 further including** said dictionary element **includes** a definition presented in said pop up digital space."

**The applicant submits that new claim 25** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 25 is a fortiori patentable and should also be allowed.

**New Dependent Claim 26 is Submitted Under § 112**

New dependent claim 26 recites:

"The process of Claim 24 further including said dictionary element includes at least a part of speech presented in said pop up digital space."

The applicant submits that new claim 26 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 26 under 35 U.S.C. § 112.

**New Dependent Claim 26 is Novel Over Martinez Under § 102**

Claim 26 recites: "The process of Claim 24 further including said dictionary element includes at least a part of speech presented in said pop up digital space."

The reasons that claim 26 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 26 recites novel reasons that distinguish over Martinez for the following reasons:

**1.** Claim 26 recites "further including said dictionary element includes at least **a part of speech** presented in said pop up digital space."

Instead Martinez describes at (col. 4, In 27-29), "The invention searches a database for **items similar** to the target item, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 26 and it's "**a part of speech**" is novel over Martinez and his "**items similar**".

Thus claim 26 recites novel physical features that distinguish over Martinez.

**2.** Claim 26 recites "further including said dictionary element includes at least **a part of speech** presented in said pop up digital space."

Martinez does **not** describe claim 26 and it's "**a part of speech**" anywhere in his invention.

Thus claim 26 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 26 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 26 Is A Fortiori Patentable Over Martinez**

Dependent claim 26 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 26 incorporates all the limitations of independent claim 24, claim 26 is patentable for the same reasons given with respect to claim 24.  Claim 26 is even more patentable because it adds additional elements.

Claim 26 recites: "The process of Claim 24 further including said dictionary element includes at least a part of speech presented in said pop up digital space."

The new and unexpected results that flow from the novel physical features of claim 26 are discussed in the following reasons:

**1. Omission of Elements:**  The numerous elements of Martinez that are omitted in claim 26 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 26 is simpler than Martinez without loss of capability.  Claim 26 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:**  Claim 26 has novelty results over Martinez.  Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage.  The novelty results of

claim 26 are very different than Martinez and all previously known counterparts as of the applicant's filing date. Claim 26 and its "said **dictionary element**" is novel over Martinez and his very different and substantially less useful "**items similar** to the target item".

In addition Martinez does **not** teach claim 26 and it's "**at least a part of speech** presented in said pop up digital space" anywhere in his invention. Hence claim 26 has novelty results over Martinez.

**3. Social Benefit:** Claim 26 provides a greater social benefit than Martinez because education is important. Claim 26 and its "**at least a part of speech** presented in said pop up digital space" has more educational value than Martinez and his substantially less useful "**items similar** to the target item".

Martinez does **not** teach the educational value of claim 26 because his invention assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the social benefit result of claim 26 is very different than Martinez.

**4. Precision:** Claim 26 provides greater precision than Martinez. Claim 26 and its "**at least a part of speech** presented in said pop up digital space" has substantially more precise information than Martinez and his imprecise "**items similar** to the target item". Thus the precision result of claim 26 is very different than Martinez.

**5. Quality:** Claim 26 provides a higher quality result than Martinez. Claim 26 and its "dictionary element includes **at least a part of speech**" have substantially higher quality than Martinez and his imprecise "**items similar** to the target item". Thus the quality result of claim 26 is very different than Martinez.

**6. Long Life Cycle:** Claim 26 has a potentially long life cycle that can be made and sold for many years because its "dictionary element includes at least a part of speech" is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising "**items similar** to the target item". Thus the long life cycle result of claim 26 is very different than Martinez.

**7. Prototype Availability:** Claim 26 has prototypes available and demonstrated in working models. The prototypes of claim 26 will make it far easier to market since potential purchasers

or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**8. Broad Patent Coverage Available:** Claim 26 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 26 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 26 performs the unique functions of "at least a part of speech presented in said pop up digital space." Claim 26 is very different than Martinez's broad patent coverage because he instead provides the unique "**items similar** to the target item".

**9. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 26 will appeal to young people because computers are popular with this market. Claim 26 is very useful for young people to learn about "at least **a part of speech**". Claim 26 provides this in a convenient pop up digital space that helps the learning experience. Claim 26 is important for the purposes of education. Claim 26 is valuable because higher education is often a priority of young people.

Claim 26 may command more sales of the youth market than the substantially less useful "**items similar** to the target item" of Martinez. Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 26 is very different than Martinez.

**10. Unexpected Results:** The results achieved by claim 26 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because its "dictionary element includes at least a part of speech presented in said pop up digital space" did not exist as of the applicant's filing date. Martinez does **not** teach the unexpected results of claim 26.

**11. Crowded Art:** The process of claim 26 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 26 provides the small step forward of "dictionary element includes at least a part of speech presented in said pop up digital space". This is a small step forward from Martinez. Martinez provides the very different small step forward of displaying the substantially less useful "**items similar** to the target item" in the crowded art of computers.

**12. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 26. Claim 26 recites: "The process of Claim 24 further including said dictionary element includes at least a part of speech presented in said pop up digital space." Martinez does **not** teach claim 26 and its "dictionary element includes **at least a part of speech**". Instead Martinez teaches the "**items similar** to the target item". Thus claim 26 is very different than Martinez. Hence Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 26.

**13. Poor Reference:** Martinez is a poor reference of claim 26. This is because Martinez and his "**items similar** to the target item" are vague, foreign and conflicting to claim 26 and it's "**at least a part of speech** presented in said pop up digital space." Thus Martinez is vague, foreign and conflicts with claim 26, and therefore is a weak reference and should be construed narrowly.

**14. Contrarian Invention:** Claim 26 is contrary to the teachings of Martinez. Claim 26 and it's "**at least a part of speech**" goes against the grain of Martinez and his very different and substantially less useful "**items similar** to the target item". Thus claim 26 is a contrarian invention to Martinez.

**15. Solved Different Problem:** Claim 26 solves a different problem than Martinez, and such different problem is recited in the claim of "dictionary element includes **at least a part of speech** presented in said pop up digital space." As a result claim 26 solves an educational problem. Instead Martinez solves the very different problem of providing the substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach solving an educational problem at all.

**From the reasons discussed**, the applicant submits that claim 26 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103.

Accordingly the applicant submits that dependent claim 26 is a fortiori patentable and should also be allowed.

**New Dependent Claim 27 is Submitted Under § 112**

New dependent claim 27 recites:

"The process of Claim 24 further including said pop up digital space presents an image that includes at least a digital video when said cursor is placed over said word."

The applicant submits that new claim 27 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 27 under 35 U.S.C. § 112.

**New Dependent Claim 25 is Novel Over Martinez Under § 102**

Claim 27 recites: "The process of Claim 24 further including said pop up digital space presents an image that includes at least a digital video when said cursor is placed over said word."

The reasons that claim 27 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 27 recites novel reasons that distinguish over Martinez for the following reasons:

**1.** Claim 27 recites "said pop up digital space presents an image that includes at least a digital video when said cursor is placed over said word".

Martinez describes at (col. 7, In 54-64), "FIG. 14 illustrates one possible user interface display of a **graphics** application annotated with a pop-up display, according to the teachings of the present invention. This example may represent drawing software, drafting software or some other graphics software displaying **images** at 1400. The **images** in this example are triangular shapes that might represent shapes on a map, or structural components, or mechanical components such as fan blades. A first **target item** 1410 has been highlighted. A pop-up display, 1420, **shows similar items**, 1431, 1432, and 1433, and provides access to them."

Claim 27 and its "**presents an image** that includes at least a digital video when said cursor is placed over **said word**" is novel over Martinez and his "**similar items**" to a "**target item**". This is because both of Martinez's "**similar items**" and "**target item**" are "**images**".

Thus claim 27 recites novel physical features that distinguish over Martinez.

**2.** Claim 27 recites "that includes at least a digital video".

Claim 27 and its specific **"digital video"** is novel over Martinez. This is because Martinez does **not** describe a **"digital video"** anywhere in his invention.

Thus claim 27 recites novel physical features that distinguish over Martinez.

**3.** Claim 27 recites "that includes at least a digital video when said cursor is placed over said word".

Claim 27 and its "that includes at least **a digital video when said cursor is placed over said word**" is a novel action over Martinez. This is because Martinez does **not** describe the novel action of claim 27 anywhere in his invention.

Thus claim 27 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 27 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 27 Is A Fortiori Patentable Over Martinez**

Dependent claim 27 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 27 incorporates all the limitations of independent claim 24, claim 27 is patentable for the same reasons given with respect to claim 24. Claim 27 is even more patentable because it adds additional elements.

Claim 27 recites: "The process of Claim 24 further including said pop up digital space presents an image that includes at least a digital video when said cursor is placed over said word."

**For brevity's sake,** the reasons new claim 27 is unobvious over Martinez under § 103 are the same reasons from currently amended claim 13 as discussed in the above heading of "Dependent Claim 13 Is A Fortiori Patentable Over Martinez".

Claim 27 recites the same subject matter as currently amended claim 13 except:

the terms in claim 27 of:    "process", "Claim 24", "includes at least a digital video",

respectively, takes the place of the corresponding terms in claim 13 of:

"method", "Claim 11", "includes digital video".

For clarification regarding both claims:

Claim 27 recites:

"The **process** of **Claim 24** further including said pop up digital space presents an image that **includes at least a digital video** when said cursor is placed over said word."

Claim 13 in currently amended status recites:

"The **method** of **Claim 11** further including said pop up digital space presents an image that **includes digital video** when said cursor is placed over said word in said text."

**The applicant submits that new claim 27** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 27 is a fortiori patentable and should also be allowed.

**New Dependent Claim 28 is Submitted Under § 112**

New dependent claim 28 recites:

"The process of Claim 24 further including said pop up digital space presents a menu with a plurality of choices."

The applicant submits that new claim 28 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 28 under 35 U.S.C. § 112.

**New Dependent Claim 28 is Novel Over Martinez Under § 102**

Claim 28 recites: "The process of Claim 24 further including said pop up digital space presents a menu with a plurality of choices."

The reasons that claim 28 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 28 recites novel reasons that distinguish over Martinez for the following reasons:

**1.** Claim 28 recites "further including said pop up digital space presents a menu with a plurality of choices."

Martinez describes at (col. 4, In 52-53), "A **pop-up display**, 420, shows similar items, 430, and provides access to said similar items 430."

Claim 28 and its "**a menu**" are novel over Martinez and his "**pop-up display**".

In addition Martinez does **not** describe a "**menu**" anywhere in his invention.

Thus claim 28 recites novel physical features that distinguish over Martinez.

**2.** Claim 28 recites "a menu with a plurality of choices."

Martinez describes at (col. 4, In 52-53), "A **pop-up display, 420, shows similar items**, 430, and provides access to said similar items 430."

Claim 28 and its "a menu with **a plurality of choices**" is novel over Martinez and his "**pop-up display shows similar items**".

In addition Martinez does **not** describe a "**choices**" anywhere in his invention.

Thus claim 28 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 28 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 28 Is A Fortiori Patentable Over Martinez**

Dependent claim 28 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 28 incorporates all the limitations of independent claim 24, claim 28 is patentable for the same reasons given with respect to claim 24. Claim 28 is even more patentable because it adds additional elements.

Claim 28 recites: "The process of Claim 24 further including said pop up digital space presents a menu with a plurality of choices."

**For brevity's sake,** the reasons new claim 28 is unobvious over Martinez under § 103 are the same reasons from currently amended claim 14 as discussed in the above heading of "Dependent Claim 14 Is A Fortiori Patentable Over Martinez".

Claim 28 recites the same subject matter as currently amended claim 14 except:

the terms in claim 28 of:

        "process", "Claim 24", "presents a menu with a plurality of choices",

respectively, takes the place of the corresponding terms in claim 14 of:

"method", "Claim 11", "is menu driven and utilize the various choices in the menu"

For clarification regarding both claims:

Claim 28 recites:

"The **process** of **Claim 24** further including said pop up digital space **presents a menu with a plurality of choices**."

Claim 14 in currently amended status recites:

"The **method** of **Claim 11** further including said pop up digital space **is menu driven and utilize the various choices in the menu**."

**The applicant submits that new claim 28** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 28 is a fortiori patentable and should also be allowed.

## New Dependent Claim 29 is Submitted Under § 112

New dependent claim 29 recites:

"The process of Claim 24 further including said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted."

The applicant submits that new claim 29 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 29 under 35 U.S.C. § 112.

## New Dependent Claim 29 is Novel Over Martinez Under § 102

Claim 29 recites: "The process of Claim 24 further including said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted."

The reasons that claim 29 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 29 recites novel reasons that distinguish over Martinez for the following reasons:

**1.** Claim 29 recites "further including said dictionary element presents more than one meaning of said word".

Martinez describes at (col. 4, In 27-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 29 and its "said dictionary element **presents more than one meaning of said word**" is novel over Martinez and his "**items similar to the target item**".

Thus claim 29 recites novel physical features that distinguish over Martinez.

**2.** Claim 29 recites "further including said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted."

Martinez describes a "highlighted" in his cited reference of Medl at (col. 1, In 14-22), "Many approaches have been proposed to retrieving information and displaying it to a computer user. Examples include U.S. Pat. No. 6,209,006 (Medl, et al., Mar. 27, 2001), which relates to the use of hyperlinks that enable recall of help functions. "Elements of a user interface for an application program are predefined as help functions by the programmer or developer . . . . Upon selection of a **highlighted** hyperlinked element, a help window appears providing definitions, functional instructions, etc."

Claim 29 and its "said dictionary element presents more than one meaning of **said word** the intended contextual meaning of **said word is highlighted**" is novel over Martinez's cited reference of Medl. Medl shows a "hyperlinked element" that is "**highlighted**" **before** "providing definitions, functional instructions, etc." Rather claim 29 provides "said word" **before** "the intended contextual meaning of said word is **highlighted**".

Thus claim 29 recites novel physical features that distinguish over Martinez and his cited reference of Medl.

**3.** Claim 29 recites "further including said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted."

Martinez describes a "highlighted" at (col. 4, In 49-53), "The target item is **highlighted**, 410. A pop-up display, 420, shows similar items, 430, and provides access to said similar items 430."

Martinez describes at (col. 7, In 61-64), "A first target item 1410 has been **highlighted**. A pop-up display, 1420, shows similar items, 1431, 1432, and 1433, and provides access to them."

Claim 29 and its "said dictionary element presents more than one meaning of **said word**, the intended contextual meaning of **said word is highlighted**" is novel over Martinez. Martinez and his "target item" or "first item" is "**highlighted**" **before** showing the "similar items". Rather claim 29 provides "said word" **before** "the intended contextual meaning of said word is **highlighted**".

Thus claim 29 recites novel physical features that distinguish over Martinez.

**4.** Claim 29 recites "the intended contextual meaning of said word is highlighted."

Claim 29 and it's "**the intended contextual meaning** of said word is **highlighted**" is a novel action over Martinez. This is because Martinez does **not** describe the novel action of claim 29 anywhere in his invention.

Thus claim 29 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 29 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 29 Is A Fortiori Patentable Over Martinez**

Dependent claim 29 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 29 incorporates all the limitations of independent claim 24, claim 29 is patentable for the same reasons given with respect to claim 24. Claim 29 is even more patentable because it adds additional elements.

Claim 29 recites: "The process of Claim 24 further including said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted."

**For brevity's sake,** the reasons new claim 29 is unobvious over Martinez under § 103 are the same reasons from currently amended claim 15 as discussed in the above heading of "Dependent Claim 15 Is A Fortiori Patentable Over Martinez".

Claim 29 recites the same subject matter as currently amended claim 15 except:

the terms in claim 29 of:      "process", "Claim 24", "highlighted",

respectively, takes the place of the corresponding terms in claim 15 of:

"method", "Claim 11", "highlighted or otherwise distinguished".

For clarification regarding both claims:

Claim 29 recites:

"The **process** of **Claim 24** further including said dictionary element presents more than one meaning of said word, the intended contextual meaning of said word is **highlighted**."

Claim 15 in currently amended status recites:

"The **method** of **Claim 11** further including said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is **highlighted or otherwise distinguished**."

**The applicant submits that new claim 29** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 29 is a fortiori patentable and should also be allowed.

**New Dependent Claim 30 is Submitted Under § 112**

New dependent claim 30 recites:

"The process of Claim 24 further including said dictionary element presented in said pop up digital space is from a source that includes at least a published work."

The applicant submits that new claim 30 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 30 under 35 U.S.C. § 112.

**New Dependent Claim 30 is Novel Over Martinez Under § 102**

Claim 30 recites: "The process of Claim 24 further including said dictionary element presented in said pop up digital space is from a source that includes at least a published work."

The reasons that claim 30 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 30 recites a novel reason that distinguishes over Martinez for the following reason:

1. Claim 30 recites "said dictionary element presented in said pop up digital space is from a source that includes at least a published work."

Claim 30 and its "from a source that includes at least **a published work**" is novel over Martinez. This is because Martinez does **not** describe "**a published work**" anywhere in his invention. Thus claim 30 recites novel physical features that distinguish over Martinez.

**Therefore** from the reason discussed, the applicant submits that claim 30 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 30 Is A Fortiori Patentable Over Martinez**

Dependent claim 30 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 30 incorporates all the limitations of independent claim 24, claim 30 is patentable for the same reasons given with respect to claim 24. Claim 30 is even more patentable because it adds additional elements.

Claim 30 recites: "The process of Claim 24 further including said dictionary element presented in said pop up digital space is from a source that includes at least a published work."

**For brevity's sake,** the reasons new claim 30 is unobvious over Martinez under § 103 are the same reasons from currently amended claim 16 as discussed in the above heading of "Dependent Claim 16 Is A Fortiori Patentable Over Martinez".

Claim 30 recites the same subject matter as currently amended claim 16 except:

the terms in claim 30 of:      "process", "Claim 24", "at least a published work",

respectively, takes the place of the corresponding terms in claim 16 of:

"method", "Claim 11", "a published work".

For clarification regarding both claims:

Claim 30 recites:

"The **process** of **Claim 24** further including said dictionary element presented in said pop up digital space is from a source that includes **at least a published work**."

Claim 16 in currently amended status recites:

"The **method** of **Claim 11** further including said dictionary element presented in said pop up digital space is from a source that includes **a published work**."

**The applicant submits that new claim 30** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 30 is a fortiori patentable

**New Dependent Claim 31 is Submitted Under § 112**

New dependent claim 31 recites:

"The process of Claim 24 further including said dictionary element presented in said pop up digital space is from a source that is extemporaneous."

The applicant submits that new claim 31 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 31 under 35 U.S.C. § 112.

**New Dependent Claim 31 is Novel Over Martinez Under § 102**

Claim 31 recites: "The process of Claim 24 further including said dictionary element presented in said pop up digital space is from a source that is extemporaneous."

The reasons that claim 31 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 31 recites a novel reason that distinguishes over Martinez for the following reason:

1. Claim 31 recites "said dictionary element presented in said pop up digital space is from a source that is extemporaneous."

Claim 31 and its "from **a source that is extemporaneous**" is novel over Martinez. This is because Martinez does **not** describe "**a source that is extemporaneous**" anywhere in his invention.

Thus claim 31 recites novel physical features that distinguish over Martinez.

substantially less useful "**items similar** to the target item".  Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement.  In fact Martinez does **not** teach solving an educational problem at all.

**From the reasons discussed**, the applicant submits that claim 31 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration.

Accordingly the applicant submits that dependent claim 31 is a fortiori patentable and should also be allowed.

**New Dependent Claim 32 is Submitted Under § 112**

New dependent claim 32 recites:

"The process of Claim 24 further including said dictionary element is presented with respect to the intended audience."

The applicant submits that new claim 32 distinctly claims the subject matter and is clear and understandable.  No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 32 under 35 U.S.C. § 112.

**New Dependent Claim 32 is Novel Over Martinez Under § 102**

Claim 32 recites:  "The process of Claim 24 further including said dictionary element is presented with respect to the intended audience."

The reasons that claim 32 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 32 recites a novel reason that distinguishes over Martinez for the following reason:

1. Claim 32 recites "said dictionary element is presented with respect to the intended audience." Claim 32 and its "said dictionary element is presented **with respect to the intended audience**" is novel over Martinez.  This is because Martinez does **not** describe "**with respect to the intended audience**" anywhere in his invention.

Thus claim 32 recites novel physical features that distinguish over Martinez.

extemporaneous. Claim 31 is important for the purposes of education. Claim 31 is valuable because higher education is often a priority of young people.

Claim 31 likely will command more sales of the youth market than Martinez. Martinez provides the substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 31 is very different than Martinez.

**10. Synergism:** Claim 31 recites "further including said dictionary element presented in said pop up digital space is from a source that is extemporaneous." The "pop up digital space" of claim 31 and its "a source that is extemporaneous" cooperate together to increase the overall learning of a dictionary element, a synergistic effect. Martinez does not show this synergism result of claim 31 because he does **not** teach "a source that is extemporaneous" anywhere in his invention. Instead Martinez teaches the very different synergism of "a target item" and "a recursive search process" to produce the substantially less useful "**items similar** to the target item". Thus the synergism result of claim 31 is very different than Martinez.

**11. Unexpected Results:** The results achieved by claim 31 are new, unexpected, superior, disproportionate, unsuggested, unusual, critical, and surprising because the claim is very different than Martinez. Claim 31 shows the results of "further including said dictionary element presented in said pop up digital space is from a source that is extemporaneous." Martinez does **not** teach "a source that is extemporaneous" of claim 31 anywhere in his invention. Thus claim 31 has unexpected results over Martinez.

**12. Poor Reference:** Martinez is a foreign reference to claim 31. Claim 31 recites "a source that is extemporaneous." Martinez does **not** teach "a source that is extemporaneous" of claim 31 anywhere in his invention. Thus the reference of Martinez is entirely foreign to claim 31 and therefore is weak and should be construed narrowly.

**13. Solved Different Problem:** Claim 31 solves a different problem than Martinez, and such different problem is recited in the claim of: "said **dictionary element** presented in said pop up digital space is from **a source that is extemporaneous**." As a result claim 31 solves an educational problem. Instead Martinez solves the very different problem of providing the

database is a thesaurus." Martinez recites in his (claim 3): "The computer-implemented method of claim 1, wherein: said items are words; and said database is a dictionary."

Martinez describes at (col. 2, In 49-51), "This might involve inserting a word into text with a word processor; the items may be words, and the **database may be a thesaurus or dictionary**, for example."

Claim 31 recites "further including said dictionary element presented in said pop up digital space is from a source that is extemporaneous." Claim 31 obviates a specific disadvantage of Martinez because the claim is not limited to his specific databases. The dictionary element of claim 31 "from a source that is extemporaneous" can be presented with or without databases, and this flexibility is an advantage over Martinez. Claim 31 is demonstrated in working models that did not implement a database to present its dictionary element.

In addition claim 31 obviates the specific disadvantage of Martinez and his limited and specific thesaurus and dictionary databases. This is because the claim and its "a source that is extemporaneous" has a creativity advantage over Martinez. Martinez does **not** teach "a source that is extemporaneous" of claim 31 anywhere in his invention. Thus Martinez does not have the flexibility and creativity advantages of claim 31.

**8. Related Product Addability:** Claim 31 likely will usher in new product lines because many related products and services of its "a source that is extemporaneous" can be added. New related product and service lines for the "dictionary element" of claim 31 that are improvised, informal, spur-of-the-moment, and custom built can be added. For example, custom built sources that present the dictionary element in colorful and unusual lettering styles can be added. Another example is to present the dictionary element in a faded medieval scroll manuscript. These are important advantages with potentially enhanced profits. The addability result of claim 31 is very different than Martinez because he does **not** teach "a source that is extemporaneous" anywhere in his invention.

**9. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 31 will appeal to young people because computers are popular with this market. Claim 31 provides the "**dictionary element presented in said pop up digital space is from a source that is extemporaneous.**" Claim 31 is useful for young people to learn about a dictionary element from a source that is

claim 31 are very different than Martinez and all previously known counterparts as of the applicant's filing date. Martine does **not** teach claim 31 and it's **"a source that is extemporaneous"** anywhere in his invention. Hence claim 31 has novelty results over Martinez.

**3. Social Benefit:** Claim 31 provides a greater social benefit than Martinez because education is important. Claim 31 and its "said dictionary element presented in said pop up digital space is from a source that is extemporaneous" have more educational value than Martinez and his substantially less useful **"items similar** to the target item". Also Martinez does **not** teach the educational value of claim 31 because his invention assumes a user already understands his **"items similar"** in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the social benefit result of claim 31 is very different than Martinez.

**4. Market Size:** Claim 31 likely has a substantially larger market size than Martinez. Claim 31 and its dictionary element "from a source that is extemporaneous" is common and popular to the everyday needs of people. Instead Martinez teaches his substantially less useful **"items similar** to the target item". Also Martinez assumes a user already understands his **"items similar"** in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the market size result of claim 31 is very different than Martinez.

**5. Quality:** Claim 31 provides a higher quality result than Martinez because the claim recites "said dictionary element presented in said pop up digital space is from a source that is extemporaneous." Martinez does **not** teach the higher quality of claim 31 because he teaches the substantially less useful and lower quality result of **"items similar** to the target item". Thus the higher quality result of claim 31 is very different than Martinez.

**6. Long Life Cycle:** Claim 31 has a potentially long life cycle that can be made and sold for many years because its "said dictionary element" is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising **"items similar** to the target item". Thus the long life cycle result of claim 31 is very different than Martinez.

**7. Obviation of Specific Disadvantages of Existing Device:** Martinez recites in his (claim 2): "The computer-implemented method of claim 1, wherein: said items are words; and said

**Therefore** from the reason discussed, the applicant submits that claim 31 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 31 Is A Fortiori Patentable Over Martinez**

Dependent claim 31 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 31 incorporates all the limitations of independent claim 24, claim 31 is patentable for the same reasons given with respect to claim 24. Claim 31 is even more patentable because it adds additional elements.

Claim 31 recites: "The process of Claim 24 further including said dictionary element presented in said pop up digital space is from a source that is extemporaneous."

The new and unexpected results that flow from the novel physical features of claim 31 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 31 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 31 is simpler than Martinez without loss of capability. Claim 31 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 31 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of

**Therefore** from the reason discussed, the applicant submits that claim 32 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 32 Is A Fortiori Patentable Over Martinez**

Dependent claim 32 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 32 incorporates all the limitations of independent claim 24, claim 32 is patentable for the same reasons given with respect to claim 24. Claim 32 is even more patentable because it adds additional elements.

Claim 32 recites: "The process of Claim 24 further including said dictionary element is presented with respect to the intended audience."

**For brevity's sake,** the reasons new claim 32 is unobvious over Martinez under § 103 are the same reasons from currently amended claim 17 as discussed in the above heading of "Dependent Claim 17 Is A Fortiori Patentable Over Martinez".

Claim 32 recites the same subject matter as currently amended claim 17 except:

the terms in claim 32 of:      "process", "Claim 24",

respectively, takes the place of the corresponding terms in claim 17 of:

"method", "Claim 11".

For clarification regarding both claims:

Claim 32 recites:

"The **process** of **Claim 24** further including said dictionary element is presented with respect to the intended audience."

Claim 17 in currently amended status recites:

"The **method** of **Claim 11** further including said dictionary element is presented with respect to the intended audience."

**The applicant submits that new claim 32** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 32 is a fortiori patentable

**New Dependent Claim 33 is Submitted Under § 112**

New dependent claim 33 recites:

"The process of Claim 24 further including an internet for presenting said dictionary element for said word."

The applicant submits that new claim 33 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 33 under 35 U.S.C. § 112.

**New Dependent Claim 33 is Novel Over Martinez Under § 102**

Claim 33 recites: "The process of Claim 24 further including an internet for presenting said dictionary element for said word."

The reasons that claim 33 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 33 recites a novel reason that distinguishes over Martinez for the following reason:

**1.** Claim 33 recites "further including an internet for presenting said dictionary element for said word."

Martinez describes at (col. 4, In 27-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 33 and its "presenting said **dictionary element for said word**" is novel over Martinez and his "**items similar to the target item**".

Thus claim 33 recites novel physical features that distinguish over Martinez.

**Therefore** from the reason discussed, the applicant submits that claim 33 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 33 Is A Fortiori Patentable Over Martinez**

Dependent claim 33 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 33 incorporates all the limitations of independent claim 24, claim 33 is patentable for the same reasons given with respect to claim 24. Claim 33 is even more patentable because it adds additional elements.

Claim 33 recites: "The process of Claim 24 further including an internet for presenting said dictionary element for said word."

The new and unexpected results that flow from the novel physical features of claim 33 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 33 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 33 is simpler than Martinez without loss of capability. Claim 33 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 33 has novelty results over Martinez because the claim recites: "further including an internet for presenting said dictionary element for said word." Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage.

The novelty result of claim 33 is very different than Martinez and all previously known counterparts as of the applicant's filing date. Claim 33 and its "**said dictionary element** for said word" is novel over Martinez and his "**items similar** to the target item". Hence claim 33 has a novelty result over Martinez.

**3. Social Benefit:** Claim 33 provides a greater social benefit than Martinez because education is important. Claim 33 and its **"dictionary element** for said word" has more educational value than Martinez and his less substantially useful **"items similar** to the target item".

Martinez does **not** teach the educational value of claim 33 because his invention assumes a user already understands the **"items similar"** in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the social benefit result of claim 33 is very different than Martinez.

**4. Salability:** Claim 33 is easier to sell and market than Martinez because the claim recites: "further including an internet for presenting said dictionary element for said word." Claim 33 and it's **"dictionary element** for said word" has more educational value than Martinez and his substantially less useful **"items similar** to the target item". In addition the **"dictionary element** for said word" of claim 33 is common and popular to the everyday needs of people. In fact Martinez does **not** teach an educational result at all. Thus the salability of claim 33 is very different than Martinez.

**5. Precision:** Claim 33 provides greater precision than Martinez. Claim 33 and it's **"dictionary element** for said word" has substantially more precise information than Martinez and his imprecise **"items similar** to the target item". Thus the precision result of claim 33 is very different than Martinez.

**6. Market Size:** Claim 33 likely has a substantially larger market size than Martinez. Claim 33 recites: "further including an internet for presenting said dictionary element for said word." Claim 33 and its **"dictionary element** for said word" is common and popular to the everyday needs of people. Instead Martinez teaches his substantially less useful **"items similar** to the target item". Also Martinez assumes a user already understands his **"items similar"** in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the market size result of claim 33 is very different than Martinez.

**7. Quality:** Claim 33 provides a higher quality result than Martinez because the claim recites: "further including an internet for presenting said dictionary element for said word." Claim 33 and it's **"dictionary element** for said word" have substantially higher quality than Martinez and his imprecise **"items similar** to the target item". Thus the quality result of claim 33 is very different than Martinez.

**8. Long Life Cycle:** Claim 33 has a potentially long life cycle that can be made and sold for many years because its "**dictionary element** for said word" is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising "**items similar** to the target item". Thus the long life cycle result of claim 33 is very different than Martinez.

**9. Inertia Need Not Be Overcome:** Claim 33 recites: "further including an internet for presenting said dictionary element for said word." Potential manufacturers, users, and sellers of claim 33 will not manifest inertia because products and services using the claim are already selling on the market, as of this amendment's date. The inertia result of claim 33 is very different than Martinez because his "**items similar** to the target item" is substantially less useful and likely must overcome significant inertia.

**10. Presence of Market:** Claim 33 recites: "further including an internet for presenting said dictionary element for said word." Claim 33 has a market that already exists because the internet is ubiquitous and popular and the claim's dictionary element have an everyday usefulness. The presence of market of claim 33 is evident because products and services using the claim are selling on the market, as of this amendment's date. The presence of market result of claim 33 is very different than Martinez because his "**items similar** to the target item" is substantially less useful. Thus Martinez's presence of market is likely substantially less than claim 33.

**11. Prototype Availability:** Claim 33 has prototypes available and demonstrated in working models. The prototypes of claim 33 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**12. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 33 will appeal to young people because the internet is popular with this market. Claim 33 is very useful for young people to learn about a word. Claim 33 provides "an internet for presenting said dictionary element for said word" that helps the learning experience. Claim 33 is important for the purposes of education. Claim 33 is valuable because higher education is often a priority of young people. Claim 33 may command more sales of the youth market than the substantially less useful "**items similar** to the target item" of Martinez. Also Martinez assumes a user already understands his

"items similar" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 33 is very different than Martinez.

**13. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 33. Claim 33 recites: "further including an internet for presenting said dictionary element for said word."

Martinez does **not** teach claim 33 and its "said **dictionary element** for said word". Instead Martinez teaches the "**items similar** to the target item".
Thus claim 33 is very different than Martinez. Hence Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 33.

**14. Poor Reference:** Martinez is a poor reference of claim 33. This is because Martinez and his "**items similar** to the target item" are foreign and conflicting to claim 33 and it's "**dictionary element for said word**". Thus Martinez is foreign and conflicts with claim 33, and therefore is a weak reference and should be construed narrowly.

**15. Contrarian Invention:** Claim 33 is contrary to the teachings of Martinez. Claim 33 and it's "**dictionary element** for said word" go against the grain of what Martinez teaches with his "**items similar to the target item**". Thus the contrarian result of claim 33 is very different than Martinez and his substantially less useful result.

**16. Solved Different Problem:** Claim 33 solves a different problem than Martinez, and such different problem is recited in the claim of: "further including an internet for presenting said dictionary element for said word." Claim 33 solves an educational problem by "presenting said **dictionary element** for said word". Instead Martinez solves the very different problem of providing the substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach solving an educational problem at all.

**The applicant submits that new claim 33** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 33 is a fortiori patentable

**New Dependent Claim 34 is Submitted Under § 112**

New dependent claim 34 recites:

"The process of Claim 24 further including said pop up digital space presents a plurality of said pop up digital space."

The applicant submits that new claim 34 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 34 under 35 U.S.C. § 112.

**New Dependent Claim 34 is Novel Over Martinez Under § 102**

Claim 34 recites: "The process of Claim 24 further including said pop up digital space presents a plurality of said pop up digital space."

The reasons that claim 34 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 34 recites a novel reason that distinguishes over Martinez for the following reason:

**1.** Claim 34 recites "The process of Claim 24 further including said pop up digital space presents a plurality of said pop up digital space."

Martinez describes at (col. 7, In 15-45), "FIG. 13 is a flow chart illustrating an example of a **recursive pop-up display function**, according to the teachings of the present invention. The pop-up display function starts at block 1310. Typically this will involve the pop-up display function being called by the annotation function in FIG. 11 (see the description of FIG. 11, block 1180). At block 1320, the pop-up display function gets a list of items from a database, that are similar to a target item; this list of similar items may be generated by a lookup function such as the one in FIG. 12. At block 1330, this list of similar items is displayed in a pop-up window, near a target item's position in a user interface of a main application. At block 1340, an annotation function starts inside the pop-up window. Typically this will involve calling a recursive annotation function (see FIG. 11). Typically this will involve a sequence of function calls in which the recursive pop-up display function may be called again. At block 1350, the pop-up display function waits. At this point, a user may select a similar item from the database for use in the main application; if not, the "No" branch is taken at decision 1360, and the process continues

waiting at block 1350. If a user selects a similar item from the database for use in the main application, the "Yes" branch is taken at decision 1360, and the process provides the similar item for use at block 1370. In this example, the selected item is inserted in place of an original item in a main application. This might involve inserting a word with a word processor, as in FIGS. 8-9. On the other hand, this might involve placing an order to buy an item with a purchasing application, or utilizing an image with a graphics application, for example. After dismissing the pop-up window at block 1380, the recursive pop-up display function terminates at block 1390."

Thus Martinez describes at (col. 7, In 15-45) a recursive pop-up display function that gets a list of similar items to a target item, then continually waiting indefinitely in a repeating flowchart loop at the "wait" block, or when one of the similar items is selected the step of inserting the selected item in place of an original item in a main application, or when the "Done" block is reached "the recursive pop-up display function terminates".

Claim 34 and its "said pop up digital space presents **a plurality of said pop up digital space**" is novel over Martinez and his "a **recursive** pop-up display function".

Thus claim 34 recites novel physical features that distinguish over Martinez.

**Therefore** from the reason discussed, the applicant submits that claim 34 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 34 Is A Fortiori Patentable Over Martinez**

Dependent claim 34 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 34 incorporates all the limitations of independent claim 24, claim 34 is patentable for the same reasons given with respect to claim 24. Claim 34 is even more patentable because it adds additional elements.

Claim 34 recites: "The process of Claim 24 further including said pop up digital space presents a plurality of said pop up digital space."

**For brevity's sake,** the reasons new claim 34 is unobvious over Martinez under § 103 are the same reasons from currently amended claim 18 as discussed in the above heading of "Dependent Claim 18 Is A Fortiori Patentable Over Martinez".

Claim 34 recites the same subject matter as currently amended claim 18 except:

the terms in claim 34 of:       "process", "Claim 24", "presents",

respectively, takes the place of the corresponding terms in claim 18 of:

"method", "Claim 11", "can present".

For clarification regarding both claims:

Claim 34 recites:

"The **process** of **Claim 24** further including said pop up digital space **presents** a plurality of said pop up digital space."

Claim 18 in currently amended status recites:

"The **method** of **Claim 11** further including said pop up digital space **can present** a plurality of said pop up digital space."

**The applicant submits that new claim 34** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103.  Accordingly the applicant submits that dependent claim 34 is a fortiori patentable

**New Dependent Claim 35 is Submitted Under § 112**

New dependent claim 35 recites:

"The process of Claim 24 further including a language used in said pop up digital space is different from the language of said word."

The applicant submits that new claim 35 distinctly claims the subject matter and is clear and understandable.  No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 35 under 35 U.S.C. § 112.

**New Dependent Claim 35 is Novel Over Martinez Under § 102**

Claim 35 recites:  "The process of Claim 24 further including a language used in said pop up digital space is different from the language of said word."

The reasons that claim 35 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 35 recites a novel reason that distinguishes over Martinez for the following reason:

1. The O.A. states previously, "Martinez et al. show the method discussed above. They **do not specifically show** that a language used in said pop up digital spaces can be **different** from the language used in said text... The Examiner takes Official Notice that one of ordinary skill in the art would know that a language translator feature could be added to an electronic dictionary. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

Claim 35 and its "a language used in said pop up digital space is **different** from the language of said word" is novel over Martinez because of the O.A. statement.

Thus claim 35 recites novel physical features that distinguish over Martinez.

**Therefore** from the reason discussed, the applicant submits that claim 35 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 35 Is A Fortiori Patentable Over Martinez**

Dependent claim 35 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 35 incorporates all the limitations of independent claim 24, claim 35 is patentable for the same reasons given with respect to claim 24. Claim 35 is even more patentable because it adds additional elements.

Claim 35 recites: "The process of Claim 24 further including a language used in said pop up digital space is different from the language of said word."

**For brevity's sake,** the reasons new claim 35 **and the added "language translator"** is unobvious over Martinez under § 103 are the same reasons from currently amended claim 19 **and the added "language translator"**, as discussed in the above heading of "Dependent Claim 19 Is A Fortiori Patentable Over Martinez".

Claim 35 recites the same subject matter as currently amended claim 19 except:

the terms in claim 35 of:       "process", "Claim 24", "is", "of said word",

respectively, takes the place of the corresponding terms in claim 19 of:

"method", "Claim 11", "can be", "used in said text".

For clarification regarding both claims:

Claim 35 recites:

"The **process** of **Claim 24** further including a language used in said pop up digital space **is** different from the language **of said word**."

Claim 19 in currently amended status recites:

"The **method** of **Claim 11** further including a language used in said pop up digital space **can be** different from the language **used in said text**."

**The applicant submits that new claim 35** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 35 is a fortiori patentable

**New Dependent Claim 36 is Submitted Under § 112**

New dependent claim 36 recites:

"The process of Claim 24 further including a language used in said pop up digital space and the language of said word are at least one of a multitude of languages."

The applicant submits that new claim 36 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 36 under 35 U.S.C. § 112.

**New Dependent Claim 36 is Novel Over Martinez Under § 102**

Claim 36 recites: "The process of Claim 24 further including a language used in said pop up digital space and the language of said word are at least one of a multitude of languages."

The reasons that claim 36 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 36 recites a novel reason that distinguishes over Martinez for the following reason:

**1.** The O.A. states previously, "Martinez et al. show the method discussed above. They **do not specifically show**... or be a multitude of languages. The Examiner takes Official Notice that one of ordinary skill in the art would know that a language translator feature could be added to an

electronic dictionary. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

Claim 36 and its "a language used in said pop up digital space and the language of said word are at least one of **a multitude of languages**" is novel over Martinez because of the O.A. statement. Thus claim 36 recites novel physical features that distinguish over Martinez.

**Therefore** from the reason discussed, the applicant submits that claim 36 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

### Dependent Claim 36 Is A Fortiori Patentable Over Martinez

Dependent claim 36 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 36 incorporates all the limitations of independent claim 24, claim 36 is patentable for the same reasons given with respect to claim 24. Claim 36 is even more patentable because it adds additional elements.

Claim 36 recites: "The process of Claim 24 further including a language used in said pop up digital space and the language of said word are at least one of a multitude of languages."

**For brevity's sake,** the reasons new claim 36 **and the added "language translator"** is unobvious over Martinez under § 103 are the same reasons from currently amended claim 20 **and the added "language translator"**, as discussed in the above heading of "Dependent Claim 20 Is A Fortiori Patentable Over Martinez".

Claim 36 recites the same subject matter as currently amended claim 20 except:

the terms in claim 36 of:      "process", "Claim 24", "of said word are at least one of", respectively, takes the place of the corresponding terms in claim 20 of:

<blockquote>"method", "Claim 11", "used in said text can be".</blockquote>

For clarification regarding both claims:

Claim 36 recites:

"The **process** of **Claim 24** further including a language used in said pop up digital space and the language **of said word are at least one of** a multitude of languages."

Claim 20 in currently amended status recites:

"The **method** of <u>Claim 11</u> further including a language used in said pop up digital space and the language **used in said text can be** a multitude of languages."

**The applicant submits that new claim 36** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 36 is a fortiori patentable

**New Dependent Claim 37 is Submitted Under § 112**

New dependent claim 37 recites:

"The process of Claim 24 wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word."

The applicant submits that new claim 37 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 37 under 35 U.S.C. § 112.

**New Dependent Claim 37 is Novel Over Martinez Under § 102**

Claim 37 recites: "The process of Claim 24 wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word."

The reasons that claim 37 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 37 recites a novel reason that distinguishes over Martinez for the following reason:

**1.** Claim 37 recites "wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word."

Martinez describes at (col. 4, In 27-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 37 and its "to present said **dictionary element for said word**" is novel over Martinez and his "**items similar to the target item**".

Thus claim 37 recites novel physical features that distinguish over Martinez.

**Therefore** from the reason discussed, the applicant submits that claim 37 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 37 Is A Fortiori Patentable Over Martinez**

Dependent claim 37 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 37 incorporates all the limitations of independent claim 24, claim 37 is patentable for the same reasons given with respect to claim 24. Claim 37 is even more patentable because it adds additional elements.

Claim 37 recites: "The process of Claim 24 wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word."

The new and unexpected results that flow from the novel physical features of claim 37 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 37 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 37 is simpler than Martinez without loss of capability. Claim 37 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 37 has novelty results over Martinez because the claim recites: "wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word." Merely making a claim different may not appear to be an advantage per se, but

it's usually a great advantage. The novelty result of claim 37 is very different than Martinez and all previously known counterparts as of the applicant's filing date. Claim 37 and its "**said dictionary element** for said word" is novel over Martinez and his "**items similar** to the target item". Hence claim 37 has a novelty result over Martinez.

**3. Social Benefit:** Claim 37 provides a greater social benefit than Martinez because education is important. Claim 37 and its "**dictionary element** for said word" has more educational value than Martinez and his less substantially useful "**items similar** to the target item".

Martinez does **not** teach the educational value of claim 37 because his invention assumes a user already understands the "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the social benefit result of claim 37 is very different than Martinez.

**4. Salability:** Claim 37 is easier to sell and market than Martinez because the claim recites: "wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word." The salability of claim 37 is evident because, as of this amendment's date, products and services using the claim are already selling on the market. The companies using claim 37 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment. The salability result of claim 37 is very different than Martinez. This is because claim 37 and it's "**dictionary element** for said word" has more educational value than Martinez and his substantially less useful "**items similar** to the target item". In addition the "**dictionary element** for said word" of claim 37 is common and popular to the everyday needs of people. In fact Martinez does **not** teach an educational result at all.

**5. Precision:** Claim 37 provides greater precision than Martinez. Claim 37 and it's "**dictionary element** for said word" has substantially more precise information than Martinez and his imprecise "**items similar** to the target item". Thus the precision result of claim 37 is very different than Martinez.

**6. Market Size:** Claim 37 likely has a substantially larger market size than Martinez. Claim 37 recites: "wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word." Claim 37 and its "**dictionary element** for said word" is

common and popular to the everyday needs of people. Instead Martinez teaches his substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the market size result of claim 37 is very different than Martinez.

**7. Quality:** Claim 37 provides a higher quality result than Martinez because the claim recites: "wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word." Claim 37 and it's "**dictionary element** for said word" have substantially higher quality than Martinez and his imprecise "**items similar** to the target item". Thus the quality result of claim 37 is very different than Martinez.

**8. Long Life Cycle:** Claim 37 has a potentially long life cycle that can be made and sold for many years because its "**dictionary element** for said word" is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising "**items similar** to the target item". Thus the long life cycle result of claim 37 is very different than Martinez.

**9. Inertia Need Not Be Overcome:** Claim 37 recites: "wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word." Potential manufacturers, users, and sellers of claim 37 will not manifest inertia because, as of this amendment's date, products and services using the claim are already selling on the market. The companies using claim 37 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment. The inertia result of claim 37 is very different than Martinez because his "**items similar** to the target item" is substantially less useful and likely must overcome significant inertia.

**10. Presence of Market:** Claim 37 recites: "wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word." Claim 37 has a market that already exists because its "**dictionary element** for said word" have an everyday usefulness. The presence of market of claim 37 is evident because, as of this amendment's date, products and services using the claim are already selling on the market. The companies using claim 37 have been sent infringement notifications, and some have replied in acknowledgement. One

acknowledgement reply and the high sales figures from the same company are attached with the Rule 132 declaration that is submitted with this amendment. The presence of market result of claim 37 is very different than Martinez because his "**items similar** to the target item" is substantially less useful. Thus Martinez's presence of market is likely substantially less than claim 37.

**11. Prototype Availability:** Claim 37 has prototypes available and demonstrated in working models. The prototypes of claim 37 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**12. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 37 will appeal to young people because computers popular are with this market. Claim 37 is very useful for young people to learn about a word. Claim 37 provides the fast and convenient "at least one selection method for selecting said word to present" a dictionary element for a word that helps the learning experience. Claim 37 is important for the purposes of education. Claim 37 is valuable because higher education is often a priority of young people. Claim 37 may command more sales of the youth market than the substantially less useful "**items similar** to the target item" of Martinez. Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 37 is very different than Martinez.

**13. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 37. Claim 37 recites: "wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word."

Martinez does **not** teach claim 37 and its "said **dictionary element** for said word". Instead Martinez teaches the "**items similar** to the target item".

Thus claim 37 is very different than Martinez. Hence Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 37.

**14. Poor Reference:** Martinez is a poor reference of claim 37. This is because Martinez and his "**items similar** to the target item" are foreign and conflicting to claim 37 and it's "**dictionary element** for said word". Thus Martinez is foreign and conflicts with claim 37, and therefore is a weak reference and should be construed narrowly.

**15. Contrarian Invention:** Claim 37 is contrary to the teachings of Martinez. Claim 37 and it's "**dictionary element** for said word" go against the grain of what Martinez teaches with his "**items similar** to the target item". Thus the contrarian result of claim 37 is very different than Martinez and his substantially less useful result.

**16. Solved Different Problem:** Claim 37 solves a different problem than Martinez, and such different problem is recited in the claim of: "wherein said cursor is at least one selection method for selecting said word to present said dictionary element for said word." Claim 37 solves an educational problem in "to present said **dictionary element** for said word". Instead Martinez solves the very different problem of providing the substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach solving an educational problem at all.

**The applicant submits that new claim 37** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 37 is a fortiori patentable

**New Dependent Claim 38 is Submitted Under § 112**

New dependent claim 38 recites: "The process of Claim 24 wherein said dictionary element is a definition for said word, further including said dictionary element includes at least a part of speech, further including said pop up digital space presents an image that includes at least a digital video, further including said pop up digital space presents a menu with a plurality of choices, further including said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted, further including said dictionary element is from a source that includes at least a published work, further including said dictionary element is from a source that is extemporaneous, further including said dictionary element is presented with respect to the intended audience, further including an internet, further including a plurality of said pop up digital space, further including a language used in said pop up digital

space and the language of said word are at least one of a multitude of languages, and wherein said cursor is at least one selection method for selecting said word."

The applicant submits that new claim 38 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 38 under 35 U.S.C. § 112.

**New Dependent Claim 38 is Novel Over Martinez Under § 102**

The reasons that claim 38 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of "New Independent Claim 24 is Novel Over Martinez Under § 102".

The applicant submits claim 38 recites a novel reason that distinguishes over Martinez for the following reason:

1. Claim 38 recites "wherein said dictionary element for said word is a definition,".

Martinez describes at (col. 4, In 27-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 37 and it's "**a definition for said word**" is novel over Martinez and his "**items similar to the target item**".

Thus claim 38 recites novel physical features that distinguish over Martinez.

**Therefore** from the reason discussed, the applicant submits that claim 38 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 38 Is A Fortiori Patentable Over Martinez**

Dependent claim 38 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 38 incorporates all the limitations of independent claim 24, claim 38 is patentable for the same reasons given with respect to claim 24. Claim 38 is even more patentable because it adds additional elements.

The new and unexpected results that flow from the novel physical features of claim 38 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 38 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials, among other elements.

Thus claim 38 is simpler than Martinez without loss of capability. Claim 38 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 38 has novelty results over Martinez because the claim recites: "wherein said dictionary element is a definition for said word,". Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty result of claim 38 is very different than Martinez and all previously known counterparts as of the applicant's filing date. Claim 38 and it's **"definition** for said word" is novel over Martinez and his **"items similar** to the target item". Hence claim 38 has a novelty result over Martinez.

**3. Social Benefit:** Claim 38 provides a greater social benefit than Martinez because education is important. Claim 38 and its **"definition** for said word" has more educational value than Martinez and his less substantially useful **"items similar** to the target item".
Martinez does **not** teach the educational value of claim 38 because his invention assumes a user already understands the **"items similar"** in order to insert them or use them for replacement.
In fact Martinez does **not** teach an educational result at all. Thus the social benefit result of claim 38 is very different than Martinez.

**4. Salability:** Claim 38 is likely easier to sell and market than Martinez because the claim recites: "wherein said dictionary element is a definition for said word,". Claim 38 and it's

"**definition** for said word" has more educational value than Martinez and his substantially less useful "**items similar** to the target item". In addition the "**definition** for said word" of claim 38 is common and popular to the everyday needs of people. In fact Martinez does **not** teach an educational result at all. Thus the salability of claim 38 is likely very different than Martinez.

**5. Precision:** Claim 38 provides greater precision than Martinez. Claim 38 and it's "**definition** for said word" has substantially more precise information than Martinez and his imprecise "**items similar** to the target item". Thus the precision result of claim 38 is very different than Martinez.

**6. Market Size:** Claim 38 likely has a substantially larger market size than Martinez. Claim 38 recites: "wherein said dictionary element is a definition for said word,". Claim 38 and its "**definition** for said word" is common and popular to the everyday needs of people. Instead Martinez teaches his substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Thus the market size result of claim 38 is very different than Martinez.

**7. Quality:** Claim 38 provides a higher quality result than Martinez because the claim recites: "wherein said dictionary element is a definition for said word,". Claim 38 and it's "**definition** for said word" have substantially higher quality than Martinez and his imprecise "**items similar** to the target item". Thus the quality result of claim 38 is very different than Martinez.

**8. Long Life Cycle:** Claim 38 has a potentially long life cycle that can be made and sold for many years because its "**definition** for said word" is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the substantially less useful and less promising "**items similar** to the target item". Thus the long life cycle result of claim 38 is very different than Martinez.

**9. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population. Claim 38 will appeal to young people because computers are popular with this market. Claim 38 provides "said dictionary element for said word is a definition". Claim 38 is very useful for young people to learn about a definition for a word that helps the learning experience. Claim 38 is important for the purposes of education. Claim 38 is valuable because higher education is often a priority of young people.

Claim 38 may command more sales of the youth market than the substantially less useful "**items similar** to the target item" of Martinez. Also Martinez assumes a user already understands his "**items similar**" in order to insert them or use them for replacement. In fact Martinez does **not** teach an educational result at all. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 38 is very different than Martinez.

**10. Unexpected Results:** The results achieved by claim 38 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because its many results such as "**definition** for said word" did not exist as of the applicant's filing date. Martinez does **not** teach the unexpected results of claim 38.

**11. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 38. Claim 38 recites: "wherein said dictionary element is a definition for said word,".

Martinez does **not** teach claim 38 and it's "**definition** for said word". Instead Martinez teaches the "**items similar** to the target item".

Thus claim 38 is very different than Martinez. Hence Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 38.

**12. Poor Reference:** Martinez is a poor reference of claim 38. This is because Martinez and his "**items similar** to the target item" are foreign and conflicting to claim 38 and it's "**definition** for said word". Thus Martinez is foreign and conflicts with claim 38, and therefore is a weak reference and should be construed narrowly.

**13. Contrarian Invention:** Claim 38 is contrary to the teachings of Martinez. Claim 38 and it's "**definition** for said word" go against the grain of what Martinez teaches with his "**items similar** to the target item". Thus the contrarian result of claim 38 is very different than Martinez and his substantially less useful result.

**14. Solved Different Problem:** Claim 38 solves a different problem than Martinez, and such different problem is recited in the claim of: "wherein said dictionary element is a definition for said word,". Claim 38 solves an educational problem from its "**definition** for said word". Instead Martinez solves the very different problem of providing the substantially less useful "**items similar** to the target item". Also Martinez assumes a user already understands his "**items**

similar" in order to insert them or use them for replacement. In fact Martinez does **not** teach solving an educational problem at all.

**The applicant submits that new claim 38** produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 38 is a fortiori patentable

**Conditional Request for Constructive Assistance**

The applicant has amended the claims of this application so that they are proper, definite, and define novel physical features which are also unobvious. If, for any reason this application is not believed to be in full condition for allowance, the applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

**Conclusion**

For all the reasons given above, the applicant respectfully submits that the claims comply with § 112, the claims define over the prior art under § 102 because a pop up digital space conveniently presents a dictionary element for a word, and the claimed distinctions are of patentable merit under § 103 because of the new results of; a pop up digital space presents a dictionary element for a word, such as a definition, the part of speech, or an image, when a cursor is simply placed over the word in a fast and convenient method for computer users.

Accordingly, the applicant submits that this application is now in full condition for allowance, which action the applicant respectfully solicits.

Very respectfully,

*Lee DeGross*

Lee DeGross